

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

**IN RE: VALSARTAN, LOSARTAN, AND
IRBESARTAN PRODUCTS LIABILITY
LITIGATION**

MDL No. 2875

Honorable Robert B. Kugler,
District Court Judge

Honorable Thomas I. Vanaskie (Ret.),
Magistrate Judge

DECLARATION OF YANG XUEYU

1. I am a partner of Yun Zheng Law Firm (in association with Hui Zhong Law Firm, collectively “Hui Zhong”).

2. I graduated *magna cum laude* from Wuhan University and obtained a bachelor’s degree in law in 1999. I obtained master’s degrees in law from Zhejiang University and the University of Wisconsin – Madison in 2002 and 2004, respectively. I am an attorney qualified to practice law in China and the State of New York since 2002 and 2005, respectively.

3. Hui Zhong is a China-based boutique law firm specializing in domestic and international dispute resolution. Hui Zhong provides services to domestic and international clients from offices in Beijing, Shanghai, Shenzhen and Hong Kong. The lawyers of Hui Zhong have substantial experience in representing clients in Chinese litigation and arbitration proceedings, international arbitration proceedings, investment treaty arbitration proceedings, as well providing expert opinions or other advisory opinions in foreign jurisdictions on matters of the laws of the People’s Republic of China (“PRC”) laws.

4. In connection with this litigation, Hui Zhong was retained by Defendant Zhejiang Huahai Pharmaceutical Co., Ltd. (“ZHP”) to review documents collected in response to Plaintiffs’

document requests for information which would be subject to China's laws related to state secrecy. The documents reviewed by Hui Zhong were maintained by ZHP and two of its non-party China-based subsidiaries, Prinbury Biopharm Co., Ltd. ("Prinbury") and Shanghai Syncores Technologies, Inc. ("Syncores").

5. I submit this declaration in opposition to Plaintiffs' March 9, 2021 request to strike the logs outlining documents withheld or redacted on the basis of China's state secrecy laws (the "State Secret Review Logs" or "SSR Logs"). The State Secret Logs are attached as Exhibits 1 and 2 to this declaration.

6. I specialize in cross-border commercial arbitration and litigation, especially complex contentious matters involving multiple jurisdictions. I have advised both domestic and foreign clients in a broad range of sectors such as real estate, construction, IT, biotechnology, hi-tech, and automobiles in proceedings conducted at the ICSID, PCA, ICC, HKIAC, SIAC, CIETAC, BAC and different levels of domestic courts including the Supreme People's Court of China.

BACKGROUND OF CHINA'S STATE SECRECY LAWS

7. China has enacted a system of laws and regulations intended to guard and keep confidential its state secrets, which mainly consists of the PRC Constitution, the PRC Law on Guarding State Secrets ("Guarding State Secrets Law"), the PRC Criminal Law, the PRC National Security Act, the PRC Cyber Security Law, the Implementing Regulations of the Law on Guarding State Secrets and the PRC Regulations on Disclosure of Government Information ("Regulations on Disclosure of Government Information"), with the Guarding State Secrets Law at the center of this system of laws and regulations.

8. The scope of what constitutes state secrecy under these PRC laws is broad. As determined by the nature of the state secrecy, almost all of the documents that may potentially

involve state secrets are documents made, produced, reviewed, circulated, or preserved by a government organ, or are documents made by non-government entities but contain or reflect state secrecy information obtained from a government organ.

9. These concepts are reflected in the Guarding State Secret Law as well as the Regulations on Disclosure of Government Information, specifically:

- Article 2 of the Guarding State Secrets Law provides: “[s]tate secrets shall be matters that have a vital bearing on State security and national interests and, as determined according to statutory procedures, are known by people within a certain scope for a given period of time.”
- Article 9 of the Guarding State Secrets Law provides: “[t]he following matters involving State security and national interests shall be determined as State secrets if the divulgence of such matters is likely to prejudice State security and national interests in the fields such as political affairs, economy, national defense and foreign affairs: (1) secrets concerning major policy decisions on State affairs; (2) secrets in the building of national defense and in the activities of the armed forces; (3) secrets in diplomatic activities and in the activities related to foreign affairs as well as secrets to be kept as commitments to foreign countries; (4) secrets in the national economic and social development; (5) secrets concerning science and technology; (6) secrets concerning the activities for safeguarding State security and the investigation of criminal offences; and (7) other matters that are classified as State secrets by the State secret-guarding department. Secrets of political parties that conform to the provisions of the preceding paragraph shall be State secrets.”

- Article 2 of the Regulations on Disclosure of Government Information provides:
“[f]or the purposes of these Regulations, the term "government information" shall mean the information prepared or obtained by administrative organs in the process of performance of administrative duties and functions and recorded and preserved in a certain form.”

10. Several PRC cases shed light on the broad scope of state secrecy. For example, information that has been classified as state secret information includes: the unpublished industrial statistics in the possession of the National Statistics Bureau; unpublished data legally obtained in an expert consulting meeting; government documents marked as “confidential”; the case files made by a court; and questions on a national exam illegally obtained before the exam took place.

11. The power of classification is solely vested in the PRC government. Under Article 13 of the Guarding State Secrets Law, the PRC government has broad power to classify government documents or policies as state secrets proactively or retroactively. Further, under the Regulations on Disclosure of Government Information, the government organ involved in the formation of the information has the authority to decide whether to disclose the information either on its own initiative or upon application.

12. As disclosing government information is a matter determined by the government organ involved, the government organ would apply laws and regulations related to state secrets when making a decision regarding disclosure, specifically:

- Article 27 of the Implementing Regulations of the Law on Guarding State Secrets provides: *“[t]he entity that holds a meeting or organizes any other activity that involves State secrets shall take the following confidentiality measures: (1) It*

shall determine the classification level of the meeting or activity according to its contents, work out the confidentiality plan and limit the scope of participants; (2) It shall use the premises, equipment and facilities that are in compliance with the confidentiality provisions and standards of the State; (3) It shall manage carriers of State secrets in accordance with the confidentiality provisions of the State; and (4) It shall impose specific confidentiality requirements on the participants.”

- Article 10 of the Regulations on Disclosure of Government Information provides:
“[g]overnment information prepared by an administrative organ shall be disclosed by the administrative organ preparing such government information. The government information obtained by an administrative organ from citizens, legal persons and other organizations shall be disclosed by the administrative organ preserving such government information; the government information obtained by an administrative organ from other administrative organs shall be disclosed by the administrative organ preparing or originally obtaining such government information. Where the authority for disclosing government information is otherwise provided for by laws and regulations, such provisions shall prevail. A dispatched office or internal department of administrative organs, if externally performing administrative duties and functions in its own name in accordance with laws and regulations, may be responsible for disclosing the government information relating to the administrative duties and functions performed thereby. The government information prepared by two or more administrative organs jointly shall be disclosed by the administrative organ taking the lead in the preparation.”

- Article 13 of the Regulations on Disclosure of Government Information provides:
“[g]overnment information other than that prescribed in Article 14, Article 15 and Article 16 hereof shall be disclosed. Administrative organs shall disclose government information by way of disclosure on their own initiatives and disclosure upon application.”
- Article 14 of the Regulations on Disclosure of Government Information provides:
“The government information legally determined as the State's secrets, the government information prohibited to be disclosed under laws and administrative regulations and the government information of which the disclosure may endanger the national security, public security, economic security or social stability shall not be disclosed.”
- Article 16 of the Regulations on Disclosure of Government Information provides:
“[i]nformation on the internal affairs of administrative organs, including the information on personnel management, logistics management, internal work process and other aspects, may not be disclosed. The records of discussions, process drafts, consultation letters, instruction request reports and other process-related information formed by administrative organs during performance of administrative duties and functions as well as the information on administrative law enforcement case files may not be disclosed. However if disclosure of such information is required under the provisions of laws, regulations or rules, the provisions shall prevail.”
- Article 17 of the Regulations on Disclosure of Government Information provides:
“[a]dministrative organs shall set up and improve the government information

disclosure review mechanism and specify the procedures and responsibilities for the review. Administrative organs shall, in accordance with the Law of the People's Republic of China on Guarding State Secrets as well as other laws, regulations and the relevant provisions of the State, review the government information to be disclosed. If an administrative organ cannot determine whether or not the relevant government information may be disclosed, it shall, in accordance with laws, regulations and the relevant provisions of the State, report such matter to the relevant competent department or the secret-guarding administrative department for decision.”

13. Where any person or entity is found to have improperly disclosed state secret information which is classified as such by the PRC government either proactively or retroactively, the individual and/or entity may be subject to severe penalties ranging from administrative fines to a criminal sentence.

**REVIEW OF DOCUMENTS COLLECTED FROM ZHP, PRINBURY, AND
SYNCORES**

14. Prior to Hui Zhong's review of the documents at issue, ZHP engaged two separate China-based law firms to perform a first level review of documents collected in response to Plaintiffs' document requests to determine if the documents were subject to China's state secrecy laws. Documents that these firms determined were subject to China's state secrecy laws were logged by the firms.

15. After this review was complete, Hui Zhong performed a second level review of the documents logged during the first level review as a quality check of the work performed by the other two law firms.

16. In total, Hui Zhong determined that 88 documents were barred from production under PRC law, and that 3 documents had to be redacted before their production in order to comply with state secrecy laws. These documents are logged in Exhibits 1 & 2.

17. I have personally reviewed each and every document listed in the logs attached as Exhibits 1 and 2.

18. All of the documents listed on the log were collected from custodians who are based in China, and were all collected in China.

19. As outlined in the log, each document listed is a communication with a PRC regulatory authority, reflects a communication with a PRC regulatory authority, and/or contains information obtained from a PRC regulatory authority.

20. The documents listed in the State Secret Review Log (91 documents in total) can be divided into two categories:

- (1) There are 30 documents that are official documents made by Chinese regulatory authorities in the pharmaceutical industry when performing their duties or responding to specific questions upon ZHP's request, among which 9 documents (on their face) were expressly requested by the government organs to be kept confidential. The other 21 documents involve the information regarding instructions or inspections made by the regulatory authorities or correspondence with the regulatory authorities, which are closely related to national economic and social development issues, and therefore cannot be disclosed without the government organ's consent.
- (2) There are 61 documents in the form of meeting minutes, reports and summaries made by ZHP with respect to its communications with regulatory authorities. The majority

of these involve and reflect information and specific instructions from PRC regulatory authorities.

21. The documents in the SSR Log all concern information that arose from ZHP's communications with different government organs on different occasions. Some documents were prepared and sent to ZHP by the government organs, whilst others were made by ZHP that memorialize or summarize the government information. They include ways that different government organs carry out their work in the course of their duties of regulating and supervising matters that concern national economic and social development.

22. Considering the significant market share of ZHP's products in China, as well as the fact that the documents on the SSR Log reflect ZHP's communications with different levels of government authorities regarding the government's regulatory responses to and views of the recall of valsartan (a matter of public health and the pharmaceutical industry, both of which are subject to the PRC government's state secrecy classifications), I am of the view that the PRC government organs whose information is reflected in the logged documents would consider the information contained therein to be "*secrets in the national economic and social development*" under Article 9 (4) of the Guarding State Secrets Law.

23. As noted above, the PRC government has broad power to classify governmental documents or policies as state secrets *proactively* or *retroactively*. Accordingly, the fact that 9 out of 91 documents on the SSR Log have been expressly required by the government to be kept confidential does not mean that the remaining documents do not contain or reflect state secrets, as a document does not need to be expressly marked confidential by a government organ in order to be considered state secret information.

24. In addition, because these documents were made either by government organs (through the acts of government officials) or memorialize or summarize the communications between ZHP and PRC government organs, they are also considered “government information” under PRC law, meaning that government approval is a prerequisite for disclosure. ZHP is therefore required to follow the procedure set out in the Regulations on Disclosure of Government Information and is barred from disclosing such government information without prior approval from the government.

25. To confirm my understanding of the laws, regulations and practice, I instructed three Hui Zhong lawyers who were involved in the document review to approach two regulators of the pharmaceutical industry by telephone and obtained the regulators’ views on the production of the documents on the SSR Log. The response of the department of policy and regulation of Zhejiang Medical Products Administration was that it is not proper for a privately-owned entity like ZHP to make the decision on disclosure in U.S. litigation proceedings on its own. Similarly, the response from the National Medical Products Administration was that ZHP should consult the opinion of the specific department from which the documents concern. Hui Zhong will continue to seek the government’s permission to produce these documents.

26. In conclusion, based on the laws, regulations and cases mentioned above, I arrived at the conclusion that the documents contained in the SSR Log may implicate state secrecy information and therefore should not be produced by ZHP without prior consent given by the relevant PRC government organs.

POSSIBILITY OF SANCTIONS UNDER CHINESE LAW

27. Non-compliance with the state secret-related laws and regulations, as noted above, can have very serious consequences. The disclosing party may be subject to administrative

disciplinary measures. Further, it constitutes a criminal offence to steal, spy, purchase or illegally provide state secrets on behalf of or to any foreign institution, organization or individual, and imprisonment up to seven years might be imposed. Relevant legal provisions are as follows:

- Article 48 of the Guarding State Secrecy Law provides: “[i]n the case of any of the following acts in violation of the provisions of this Law, disciplinary measures shall be imposed in accordance with the law; if the act constitutes a criminal offense, criminal liability shall be imposed in accordance with the law: (1) Illegally obtaining or possessing State secret carriers; (2) Buying, selling, transmitting or privately destroying State secret carriers; (3) Transmitting State secret carriers through channels without any security measures such as ordinary mail and express delivery; (4) Mailing or consigning State secret carriers out of China or carrying or transmitting State secret carriers out of China without approval by the relevant authority; (5) Illegally reproducing, recording or storing State secrets; (6) Involving State secrets in private contacts or correspondence; (7) Transmitting State secrets on the Internet or any other public information network or via wire or wireless communications without any security measures; (8) Connecting a secret-related computer or secret-related storage equipment to the Internet or any other public information network; (9) Without taking any protective measures, exchanging information between a secret-related information system and the Internet or any other public information systems; (10) Using a non-secret-related computer or non-secret-related storage equipment to handle information pertaining to State secrets; (11) Uninstalling or revising the security technology programs or management programs of a secret-related information system without approval;

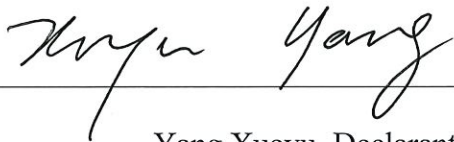
and (12) Presenting as a gift, selling, discarding, or altering the purpose of, a secret-related computer or secret-related storage equipment that is no longer in use and has not been approached with security technology. Where a person commits any of the acts set forth in the preceding paragraph but such act does not constitute a criminal offense and disciplinary measures are not applicable, the relevant secret-guarding administrative department shall urge his or her organ or organization to deal with the person.”

- *Article 111 of the PRC Criminal Law provides: “[w]hoever steals, secretly gathers, purchases, or illegally provides state secrets or intelligence for an organization, institution, or personnel outside the country is to be sentenced from not less than five years to not more than 10 years of fixed-term.”*
- *Article 282 of the PRC Criminal Law provides: “[w]hoever illegally acquires state secrets by stealing, secretly gathering, and purchasing is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment. Whoever possesses documents, information, or other articles which are top secret or classified information of the state, and refuses to state their origins or use, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation.”*

28. Therefore, if ZHP and its employees produce the 91 documents without prior consent of the PRC government, they may be subjected to the severe penalties set out above.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES THAT TO THE BEST OF MY KNOWLEDGE THE FOREGOING IS TRUE AND CORRECT.

Executed on March 15, 2021 in Beijing, China.



Yang Xueyu, Declarant

EXHIBIT 1

	FIRST BATES	LAST BATES	BEGATTACH	ENDATTACH	PARENT BATES	CHILD BATES	ATTACHMENT COUNT	CUSTODIAN	DUPLICATE CUSTODIANS	FROM	TO	CC	BCC	SUBJECT	DATE SENT	DATE RECEIVED	FILENAME	AUTHOR	DOCUMENT DATE	DATE CREATED	FILETYPE	BASIS FOR WITHHOLDING	DESCRIPTION
1	ZHP02440332	ZHP02440332	ZHP02440332	ZHP02440332				GE_Jucai	GE_Jucai								3-上海药监局张清.pdf		6/26/2019	6/20/2019	Portable Document Format	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Summary sheet of information concerning drug marketing licenses provided from Shanghai Municipal Drug Administration
2	PRINBURY00142721	PRINBURY00142721	PRINBURY00142721	PRINBURY00142722		PRINBURY00142722	1	TIAN_Sophie	TIAN_Sophie	Eric Tsai <eric6554@hotmail.com>	David Zhao <david.zhao@prinburybio pharm.com> Luke (Yulu) Wang (Huahai) <luke.wang@huahaipharm us.com> Shu Ye <tree.ye@prinburybiopharm.com> sophie.tian <sophie.tian@prinburybio			Fw: 缬沙坦答补信息	5/16/2017	5/16/2017	Fw: 缬沙坦答补信息		5/16/2017	5/18/2017	Microsoft Outlook Note	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	An email discussing the reply to the opinion on the valsartan project from Center for Drug Evaluation (CDE) of the China National Medical Products Administration, in which the CDE expressly required the Company to keep confidential.
3	PRINBURY00142827	PRINBURY00142827	PRINBURY00142825	PRINBURY00142827	PRINBURY00142825			TIAN_Sophie	LIN_Lihong TIAN_Sophie								2017年6月12日CDE与华海团队交流情况纪要_June_302017--CDE修改2.docx		7/9/2017		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes of a meeting dated 12 June 2017 between ZHP and Chinese Center for Drug Evaluaion regarding improving the quality of the product and register to the Center for Drug Evaluation (CDE) of the China National Medical Products Administration.
4	PRINBURY00142830	PRINBURY00142830	PRINBURY00142828	PRINBURY00142830	PRINBURY00142828			TIAN_Sophie	LIN_Lihong TIAN_Sophie								2017年6月12日CDE与华海团队交流情况纪要_June_30,2017--CDE修改.docx		7/7/2017		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes of a meeting dated 12 June 2017 between ZHP and Chinese Center for Drug Evaluaion regarding improving the quality of the product and register to the Center for Drug Evaluation (CDE) of the China National Medical Products Administration.
5	PRINBURY00144241	PRINBURY00144241	PRINBURY00144241	PRINBURY00144241				TIAN_Sophie	TIAN_Sophie								2017年6月12日CDE与华海团队交流情况纪要_June_30,2017--CDE修改.docx		7/7/2017	9/29/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes of a meeting dated 12 June 2017 between ZHP and Chinese Center for Drug Evaluaion regarding improving the quality of the product and register to the Center for Drug Evaluation (CDE) of the China National Medical Products Administration.
6	PRINBURY00144511	PRINBURY00144511	PRINBURY00144511	PRINBURY00144512		PRINBURY00144512	1	LIU_Tina	LIU_Tina	Sophie Tian <sophie.tian@prinburybiopharm.com>	Tina Liu <tina.liu@prinburybiopharm.com>			转发: 缬沙坦答补信息	5/16/2017	5/16/2017	转发: 缬沙坦答补信息		5/16/2017	6/6/2017	Microsoft Outlook Note	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	An email discussing the reply to the opinion on the valsartan project from Center for Drug Evaluation (CDE) of the China National Medical Products Administration, in which the CDE expressly required the Company to keep confidential.
7	SYNCORES00037103	SYNCORES00037103	SYNCORES00037103	SYNCORES00037103				HUANG_Luning	HUANG_Luning ZHU_Wenquan								药物中亚硝酸盐杂质研究技术指导原则（草稿）.pdf		11/18/2019	3/23/2020	Portable Document Format	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A guideline for the study of nitrosamine impurities in drugs from Center for Drug Evaluation (CDE) of the China National Medical Products Administration, in which the CDE expressly required the Company to keep confidential.
8	PRINBURY00148044	PRINBURY00148044	PRINBURY00148040	PRINBURY00148044	PRINBURY00148040			TSAI_Eric	TSAI_Eric								缬沙坦片缺陷信答复内部交流会会议纪要-2017.05.31.pdf		6/1/2017	5/18/2017	Portable Document Format	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	ZHP meeting minutes, discussing the plan to communicate with CDE regarding to the reply of valsartan tablet deficiency letter.

9	ZHP02459190	ZHP02459190	ZHP02459188	ZHP02459190	ZHP02459188				CHEN_Yan	11月15日.docx								药审局、上海市 对厄贝沙坦基因毒杂 质事件调研和关注20 190108.docx		1/8/2019			Unknown Binary File	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	The meeting minutes between ZHP and Taizhou Medical Products Administration concerning irbesartan genotoxic impurities
10	ZHP02557672	ZHP02557672	ZHP02557672	ZHP02557672				LI_Min	LI_Min									药审业发【2019】804号—致李敏教授.doc	Unknown	11/1/2019	11/1/2019		Microsoft Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Document concerning an invitation for a seminar on quality control of genotoxic impurities of chemical drugs, in which the Center for Drug Evaluation (CDE) of the China National Medical Products Administration expressly required the Company to keep confidential.
11	ZHP02565439	ZHP02565439	ZHP02565438	ZHP02565439	ZHP02565438			LI_Min	LI_Min									药审业发【2019】804号—致李敏教授.doc	Unknown	10/31/2019			Microsoft Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Document concerning an invitation for a seminar on quality control of genotoxic impurities of chemical drugs, in which the Center for Drug Evaluation (CDE) of the China National Medical Products Administration expressly required the Company to keep confidential.
12	ZHP02604526	ZHP02604526	ZHP02604486	ZHP02604853	ZHP02604486			LIN_Lihong	LIN_Lihong									Microsoft_Word__11.docx		2/8/2019			Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A meeting minute with National Medical Products Administration and Zhejiang Medical Products Administration, concerning feedbacks of an inspection on ZHP site.
13	ZHP02605097	ZHP02605097	ZHP02605097	ZHP02605097				LIN_Lihong	LIN_Lihong									20190619华海厄贝沙坦原料药沟通交流会议纪要.doc	Unknown	7/17/2019	7/17/2019		Microsoft Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information	A meeting minute with National Medical Products Administration, concerning Irbesartan API process and nitrosamine impurities.
14	ZHP02605151	ZHP02605151	ZHP02605151	ZHP02605151				LIN_Lihong	LIN_Lihong									国家局检查本次会议记录2019.1.12(1).docx		1/12/2019	4/2/2019		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A meeting minute with National Medical Products Administration and Zhejiang Medical Products Administration, concerning feedbacks of a inspection on ZHP site.
15	ZHP02605152	ZHP02605152	ZHP02605152	ZHP02605152				LIN_Lihong	LIN_Lihong									药监局.docx		1/8/2019	4/2/2019		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A note regarding a meeting with Taizhou Medical Products Administration concerning the valsartan event.
16	ZHP02605169	ZHP02605169	ZHP02605169	ZHP02605169				LIN_Lihong	LIN_Lihong ZHOU_Ting				华海模板					会议纪要_厄贝沙坦CDE交流_20190619.docx		6/23/2019	6/23/2019		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes concerning irbesartan with Center for Drug Evaluation (CDE) of the China National Medical Products Administration.

17	ZHP02605172	ZHP02605172	ZHP02605172	ZHP02605172				LIN_Lihong	LIN_Lihong					华海模板			会议纪要_厄贝沙坦CDE交流_20190619.docx		6/28/2019	6/28/2019	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes for the meeting concerning irbesartan with Center for Drug Evaluation (CDE) of the China National Medical Products Administration
18	ZHP02605370	ZHP02605370	ZHP02605174	ZHP02605547	ZHP02605174			LIN_Lihong	LIN_Lihong								Microsoft_Word__11.docx		1/18/2019		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information	Meeting minutes with National Medical Products Administration and Zhejiang Medical Products Administration, concerning feedbacks of a inspection on ZHP site.
19	ZHP02605548	ZHP02605548	ZHP02605548	ZHP02605548				LIN_Lihong	LIN_Lihong								厄贝沙坦CDE沟通会.docx		5/10/2019	5/10/2019	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A note of key issues for the meeting concerning irbesartan with Center for Drug Evaluation (CDE) of the China National Medical Products Administration.
20	ZHP02605623	ZHP02605623	ZHP02605623	ZHP02605623				LIN_Lihong	LIN_Lihong								国家规定NDMA_huahai.pdf		7/14/2018	4/3/2019	Portable Document Format	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A letter concerning assessment of the control of NDMA impurities in the production process from Center for Drug Evaluation (CDE) of the China National Medical Products Administration, in which the CDE expressly required to keep confidential.
21	ZHP02605629	ZHP02605629	ZHP02605629	ZHP02605629				LIN_Lihong	LIN_Lihong								关于缬沙坦原料药中检出微量亚硝基二甲胺杂质的的情况汇报7.12（国家食品药品监督管理总局）_马旺.docx		7/14/2018	4/3/2019	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report on the detection of NDMA impurities in the valsartan API, prepared to send to National Medical Products Administration.
22	ZHP02606474	ZHP02606474	ZHP02606474	ZHP02606474				LIN_Lihong	LIN_Lihong								2017年6月12日CDE与华海团队交流情况纪要_July 27,2017.docx		7/27/2017	7/27/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes concerning improving the quality of drugs with Center for Drug Evaluation (CDE) of the China National Medical Products Administration dated June 12, 2017.
23	ZHP02606475	ZHP02606475	ZHP02606475	ZHP02606475				LIN_Lihong	LIN_Lihong								2017年6月12日CDE与华海团队交流情况纪要_June_30,2017--CDE修改.docx		7/10/2017	7/7/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes concerning improving the quality of drugs with Center for Drug Evaluation (CDE) of the China National Medical Products Administration dated June 12, 2017.
24	ZHP02606612	ZHP02606612	ZHP02606612	ZHP02606612				LIN_Lihong	LIN_Lihong								2017年6月12日CDE与华海团队交流情况纪要_June 28,2017.docx		6/28/2017	6/26/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes concerning improving the quality of drugs with Center for Drug Evaluation (CDE) of the China National Medical Products Administration dated June 12, 2017.

25	ZHP02606613	ZHP02606613	ZHP02606613	ZHP02606613				LIN_Lihong	LIN_Lihong											2017年6月12日CDE与华海团队交流情况纪要_June 30,2017.docx		6/30/2017	6/30/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes concerning improving the quality of drugs with Center for Drug Evaluation (CDE) of the China National Medical Products Administration dated June 12, 2017.
26	ZHP02606614	ZHP02606614	ZHP02606614	ZHP02606614				LIN_Lihong	LIN_Lihong											2017年6月12日CDE与华海团队交流情况纪要_完整版--mw.docx		6/28/2017	6/28/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information	Meeting minutes for the meeting concerning improving the quality of drugs with Center for Drug Evaluation (CDE) of the China National Medical Products Administration dated June 12, 2017.
27	ZHP02606615	ZHP02606615	ZHP02606615	ZHP02606615				LIN_Lihong	LIN_Lihong											2017年6月12日CDE与华海团队交流情况纪要_完整版.docx		6/26/2017	6/13/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information	Meeting minutes for the meeting concerning improving the quality of drugs with Center for Drug Evaluation (CDE) of the China National Medical Products Administration dated June 12, 2017.
28	ZHP02608231	ZHP02608231	ZHP02608229	ZHP02608244	ZHP02608229			LIN_Lihong	LIN_Lihong											2018.07.14 山东益健-药品生产日常监督检查报告.jpg		7/16/2018	7/16/2018	JPEG/JFIF Image	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A daily inspection report on drug production of Shandong Yijian made by Jining Administration for Market Regulation.
29	ZHP02608269	ZHP02608269	ZHP02608269	ZHP02608269				LIN_Lihong	LIN_Lihong	陈时飞 <csfda@163.com>	林丽红(华海药业) <lindalin@huahaipharm.com>			Re:8个问题_V11	7/31/2018					Re_8个问题_V11.eml		7/31/2018		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email with the Direct General of China's Food and Drug Administration of Zhejiang Province regarding the announcement of NDMA in valsartan
30	ZHP02608270	ZHP02608270	ZHP02608270	ZHP02608272		ZHP02608271; ZHP02608272	2	LIN_Lihong	LIN_Lihong YE_Cunxiao	lindalin@huahaipharm.com	csfda <csfda@163.com>			回复: Re: 10个问题_V10	7/29/2018					回复_Re_10个问题_V10.eml		7/29/2018		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email with the Direct General of China's Food And Drug Administration of Zhejiang Province regarding the announcement of NDMA in valsartan
31	ZHP02608273	ZHP02608273	ZHP02608273	ZHP02608273				LIN_Lihong	LIN_Lihong	陈时飞 <csfda@163.com>	林丽红(华海药业) <lindalin@huahaipharm.com>			Re:回复: 回复: 10个问题_V7	7/29/2018					Re_回复_回复_10个问题_V7.eml		7/29/2018		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email with the Direct General of China's Food and Drug Administration of Zhejiang Province regarding the announcement of NDMA in valsartan
32	ZHP02608277	ZHP02608277	ZHP02608277	ZHP02608278		ZHP02608278	1	LIN_Lihong	LIN_Lihong	lindalin@huahaipharm.com	csfda <csfda@163.com>			回复: 回复: 10个问题	7/29/2018					回复_回复_10个问题.eml		7/29/2018		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email with the Direct General of China's Food and Drug Administration of Zhejiang Province regarding the announcement of NDMA in valsartan
33	ZHP02608279	ZHP02608279	ZHP02608279	ZHP02608280		ZHP02608280	1	LIN_Lihong	LIN_Lihong	lindalin@huahaipharm.com	csfda <csfda@163.com>			浙江省局关注问题答复-2018-7-29	7/29/2018					浙江省局关注问题答复-2018-7-29.eml		7/29/2018		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	ZHP's response to questions raised by Zhejiang Medical Products Administration
34	ZHP02611955	ZHP02611955	ZHP02611955	ZHP02611955				LIN_Lihong	LIN_Lihong ZHOU_Ting	lindalin@huahaipharm.com	adazhou <adazhou@huahaipharm.com>			Fw: 转发: 华海药业关于厄贝沙坦原料药的答复	5/21/2019					Fw_转发: 华海药业关于厄贝沙坦原料药的答复.eml		5/21/2019		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email from Center of Drug Evaluation regarding the evaluation of irbesartan API

35	ZHP02611956	ZHP02611956	ZHP02611956	ZHP02611956				LIN_Lihong	LIN_Lihong	xubo@huahai pharm.com	Linda Lin <lindalin@huahaipharm.co m>			转发：华海药业 关于厄贝沙坦原 料药的答复	5/21/2019		转发：华海药业关于 厄贝沙坦原料药的答 复.eml		5/21/2019		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email from Center of Drug Evaluation regarding the evaluation of irbesartan API
36	ZHP02611974	ZHP02611974	ZHP02611974	ZHP02611974				LIN_Lihong	LIN_Lihong	xubotj@126.c om	Linda Lin <lindalin@huahaipharm.co m>			转发：拟召开关于 厄贝沙坦原料 药沟通交流会， 问题详见邮件， 请尽快准备并确定 参会时间。	5/6/2019		转发：拟召开关于厄 贝沙坦原料药沟通交 流会， 问题详见邮件 ， 请尽快准备并确定 参会时间。 .eml		5/6/2019		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email from Center of Drug Evaluation (CDE) regarding the meeting with ZHP and the preparation of documents relating to the questions raised by CDE
37	ZHP02612463	ZHP02612463	ZHP02612462	ZHP02612470	ZHP02612462			LIN_Lihong	LIN_Lihong								省局公函（省局给CD E）.pdf		1/16/2020		Unknown Binary File	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Official letters from ZHP to Zhejiang Drug Administration and Zhejiang Drug Administration to Center of Drug Evaluation of the National Drug Administration regarding the examination and approval of valsartan tablets
38	ZHP02613429	ZHP02613429	ZHP02613429	ZHP02613430		ZHP02613430	1	LIN_Lihong	LIN_Lihong	lindalin@huah aipharm.com	高爱凤 <gaoaifeng@huahaipharm. com>	yangkun@huahaiph arm.com		转发： 缙沙坦答补信息	5/25/2017		转发_缙沙坦答补信息 (1).eml		5/25/2017		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	An email discussing the reply to the opinion on the valsartan project from Center for Drug Evaluation (CDE) of the China National Medical Products Administration, in which the CDE expressly required the Company to keep confidential.
39	ZHP02613610	ZHP02613610	ZHP02613610	ZHP02613629		ZHP02613611; ZHP02613612; ZHP02613614; ZHP02613617; ZHP02613618; ZHP02613619; ZHP02613620	7	LIN_Lihong	LIN_Lihong	lindalin@huah aipharm.com	xubo <xubo@huahaipharm.com >	JohnHu <john.hu@huahaip harmus.com> mawang <mawang@huahaip harm.com>		回复_答复： 2017年6月12日C DE与华海团队交 流情况纪要_June 30, 2017	6/30/2017		回复_答复_ 2017年6月12日CDE 与华海团队交流情况 纪要_June 30, 2017.eml		6/30/2017		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Communications regarding the meeting between ZHP and the officials from Center of Drug Evaluation on the specification and exemption of products dated June 12, 2017
40	ZHP02613611	ZHP02613611	ZHP02613610	ZHP02613629	ZHP02613610			LIN_Lihong	LIN_Lihong								2017年6月12日CDE 与华海团队交流情况 纪要_June 30,2017.docx		6/30/2017		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
41	ZHP02613630	ZHP02613630	ZHP02613630	ZHP02613630				LIN_Lihong	LIN_Lihong	lindalin@huah aipharm.com	mawang <mawang@huahaipharm.c om>			回复_回复： 2017年6月12日C DE与华海团队交 流情况纪要_简版 1	6/30/2017		回复_回复_ 2017年6月12日CDE 与华海团队交流情况 纪要_简版1 (2).eml		6/30/2017		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Communications regarding the Meeting between ZHP and the officials from Center of Drug Evaluation on the specification and exemption of products dated June 12, 2017
42	ZHP02613631	ZHP02613631	ZHP02613631	ZHP02613631				LIN_Lihong	LIN_Lihong	lindalin@huah aipharm.com	JohnHu <john.hu@huahaipharmus. com> mawang <mawang@huahaipharm.c om> xubo <xubo@huahaipharm.com >			回复_答复： 2017年6月12日C DE与华海团队交 流情况纪要_简版 1	6/28/2017		回复_答复_ 2017年6月12日CDE 与华海团队交流情况 纪要_简版1 (2).eml		6/28/2017		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Communication regarding the Meeting between ZHP and the officials from Center of Drug Evalutation on the specification and exampmion of products dated June 12, 2017
43	ZHP02613632	ZHP02613632	ZHP02613632	ZHP02613632				LIN_Lihong	LIN_Lihong	lindalin@huah aipharm.com	mawang <mawang@huahaipharm.c om> xubo <xubo@huahaipharm.com >	JohnHu <john.hu@huahaip harmus.com>		回复_回复： 2017年6月12日C DE与华海团队交 流情况纪要_简版 1	6/28/2017		回复_回复_ 2017年6月12日CDE 与华海团队交流情况 纪要_简版1 (5).eml		6/28/2017		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017

44	ZHP02613633	ZHP02613633	ZHP02613633	ZHP02613633				LIN_Lihong	LIN_Lihong	lindalin@huahaipharm.com	<xubo@huahaipharm.com> > 林丽红Linda <lindalin@huahaipharm.com>	2017年6月12日CDE与华海团队交流情况纪要_简版1	2017年6月12日CDE与华海团队交流情况纪要_简版1				6/28/2017		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Communications regarding the meeting between ZHP and the officials from Center of Drug Evaluation on the specification and exemption of products dated June 12, 2017
45	ZHP02613651	ZHP02613651	ZHP02613634	ZHP02613651	ZHP02613634			LIN_Lihong	LIN_Lihong								2017年6月12日CDE与华海团队交流情况纪要_June 28,2017.docx	6/28/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
46	ZHP02613656	ZHP02613656	ZHP02613654	ZHP02613656	ZHP02613654			LIN_Lihong	LIN_Lihong								2017年6月12日CDE与华海团队交流情况纪要_June.30,2017--CDE修改.docx	7/8/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
47	ZHP02613659	ZHP02613659	ZHP02613657	ZHP02613659	ZHP02613657			LIN_Lihong	LIN_Lihong								2017年6月12日CDE与华海团队交流情况纪要_June.30,2017--修改.docx	7/7/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
48	ZHP02614160	ZHP02614160	ZHP02614159	ZHP02614160	ZHP02614159			LIN_Lihong	LIN_Lihong								2017年6月12日CDE与华海团队交流情况纪要_July 272017修改胡.docx	7/28/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
49	ZHP02614172	ZHP02614172	ZHP02614171	ZHP02614172	ZHP02614171			LIN_Lihong	LIN_Lihong								2017年6月12日CDE与华海团队交流情况纪要_July 27,2017.docx	7/27/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
50	ZHP02614174	ZHP02614174	ZHP02614173	ZHP02614174	ZHP02614173			LIN_Lihong	LIN_Lihong								2017年6月12日CDE与华海团队交流情况纪要_July 27,2017.docx	7/27/2017	Unknown Binary File	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
51	ZHP02614402	ZHP02614402	ZHP02614399	ZHP02614402	ZHP02614399			LIN_Lihong	LIN_Lihong								2017年6月12日CDE与华海团队交流情况纪要_June.30,2017--CDE修改.docx	7/25/2017	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017

51	ZHP02614403	ZHP02614403	ZHP02614403	ZHP02614404		ZHP02614404	1	LIN_Lihong	LIN_Lihong	022121403@huahaipharm.com rinburybiopharm.com	高爱凤 <gaoaifeng@huahaipharm.com>	David Zhao <david.zhao@prinburybiopharm.com> wangjuan@huahaipharm.com	Re: 回复: 2017年6月12日CDE与华海团队交流情况纪要_June 30, 2017			2017年6月12日CDE与华海团队交流情况纪要_June 30, 2017.eml	7/25/2017		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
53	ZHP02614592	ZHP02614592	ZHP02614592	ZHP02614611		ZHP02614593; ZHP02614594; ZHP02614599; ZHP02614600; ZHP02614601; ZHP02614602	7	LIN_Lihong	LIN_Lihong	lindalin@huahaipharm.com	高爱凤 <gaoaifeng@huahaipharm.com>	David Zhao <david.zhao@prinburybiopharm.com> wangjuan <wangjuan@huahaipharm.com>	转发: 回复: 2017年6月12日CDE与华海团队交流情况纪要_June 30, 2017	7/25/2017		转发_回复_2017年6月12日CDE与华海团队交流情况纪要_June 30, 2017.eml	7/25/2017		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Summary of meeting between ZHP and the officials from Center of Drug Evaluation on the specification and exemption of products dated June 12, 2017
54	ZHP02614593	ZHP02614593	ZHP02614592	ZHP02614611	ZHP02614592			LIN_Lihong	LIN_Lihong							2017年6月12日CDE与华海团队交流情况纪要_June 30,2017.docx	7/25/2017		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
55	ZHP02614891	ZHP02614891	ZHP02614890	ZHP02614891	ZHP02614890			LIN_Lihong	LIN_Lihong							2017年6月12日CDE与华海团队交流情况纪要_June 30,2017.docx	10/19/2017		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
56	ZHP02615167	ZHP02615167	ZHP02615166	ZHP02615245	ZHP02615166			LIN_Lihong	LIN_Lihong							国内监管机构提供文件一览表.docx	7/14/2018		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Summary of the reports provided to the authorities
57	ZHP02615297	ZHP02615297	ZHP02615297	ZHP02615297				LIN_Lihong	LIN_Lihong	林丽红 <lindalin@huahaipharm.com>	陈时飞 <csfda@163.com>		Re: Re:8个问题_V11	7/31/2018		Re_Re_8个问题_V11.eml	7/31/2018		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email with the Direct General of China's Food and Drug Administration of Zhejiang Province regarding the announcement of NDMA in valsartan
58	ZHP02615298	ZHP02615298	ZHP02615298	ZHP02615299		ZHP02615299	1	LIN_Lihong	LIN_Lihong	lindalin@huahaipharm.com	csfda <csfda@163.com>		回复: 回复: 10个问题_V7	7/29/2018		回复_回复_10个问题_V7.eml	7/29/2018		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email with the Direct General of China's Food And Drug Administration of Zhejiang Province regarding the announcement of NDMA in valsartan
59	ZHP02615303	ZHP02615303	ZHP02615303	ZHP02615305		ZHP02615304; ZHP02615305	2	LIN_Lihong	LIN_Lihong	lindalin@huahaipharm.com	csfda <csfda@163.com>		回复: 回复: 10个问题	7/29/2018		回复_回复_10个问题(1).eml	7/29/2018		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email with the Direct General of China's Food and Drug Administration of Zhejiang Province regarding the announcement of NDMA in valsartan
60	ZHP02615306	ZHP02615306	ZHP02615306	ZHP02615307		ZHP02615307	1	LIN_Lihong	LIN_Lihong YE_Cunxiao	lindalin@huahaipharm.com	csfda <csfda@163.com>		回复: 10个问题	7/29/2018		回复_10个问题.eml	7/29/2018		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email with the Direct General of China's Food and Drug Administration of Zhejiang Province regarding the announcement of NDMA in valsartan
61	ZHP02621763	ZHP02621763	ZHP02621761	ZHP02621763	ZHP02621761			LIN_Lihong	LIN_Lihong							浙华药字【2020】1号.doc	5/7/2020		Unknown Binary File	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report intended for Zhejiang Medical Products Administration requesting guidance on data protection law.

62	ZHP02622049	ZHP02622049	ZHP02622049	ZHP02622049					CHEN_Baozhen	CHEN_Baozhen YE_Cunxiao					新文档 2018-08-15 13.56.27			召回审查和评价结论 (省局20180809红头文件).pdf		8/15/2018	8/20/2018	Portable Document Format	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Document from Zhejiang Medical Products Administration to ZHP regarding the conclusion of recall review and appraisal
63	ZHP02622050	ZHP02622050	ZHP02622050	ZHP02622050					CHEN_Baozhen	CHEN_Baozhen								召回评估报告手打版.docx		8/3/2018	8/20/2018	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report from Zhejiang Medical Products Administration to ZHP regarding the conclusion of recall review and appraisal
64	ZHP02622051	ZHP02622051	ZHP02622051	ZHP02622051					CHEN_Baozhen	CHEN_Baozhen								浙江省食品药品监督管理局现场有因检查报告2018.08.01-03word版.doc	Unknown	8/3/2018	8/4/2018	Microsoft Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report from Zhejiang Medical Products Administration to ZHP regarding on-site inspection
65	ZHP02622054	ZHP02622054	ZHP02622054	ZHP02622054					CHEN_Baozhen	CHEN_Baozhen								20190110-专家组检查清单汇总(1).docx		1/11/2019	1/11/2019	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Inspection summary of experts from National Institute for Food and Drug Control, Center for Drug Evaluation, Zhejiang Food and Drug Administration etc. between Jan. 10-Jan. 11, 2019
66	ZHP02622055	ZHP02622055	ZHP02622055	ZHP02622055					CHEN_Baozhen	CHEN_Baozhen								20190110-专家组检查清单汇总.docx		1/10/2019	1/10/2019	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Inspection summary of experts from National Institute for Food and Drug Control, Center for Drug Evaluation, Zhejiang Food and Drug Administration etc. between Jan. 10-Jan. 11, 2019
67	ZHP02622056	ZHP02622056	ZHP02622056	ZHP02622056					CHEN_Baozhen	CHEN_Baozhen								2018.12.14关于境内境外媒体利用公司FDA警告信进行不实报道的专题报告（台州市委市政府）.docx		12/17/2018	12/17/2018	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report to Taizhou municipal government regarding public sentiment
68	ZHP02622057	ZHP02622057	ZHP02622057	ZHP02622057					CHEN_Baozhen	CHEN_Baozhen								20180728(4)临海市政府--关于华海药业缙沙坦事件有关情况的续报.doc	Unknown	7/29/2018	7/29/2018	Microsoft Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report to Taizhou municipal government regarding valsartan event
69	ZHP02622059	ZHP02622059	ZHP02622059	ZHP02622059					CHEN_Baozhen	CHEN_Baozhen								20190107台州市市场监督管理局汇报材料(1).doc	Unknown	1/7/2019	1/9/2019	Microsoft Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report to Taizhou Administration for Market Regulation regarding valsartan event
70	ZHP02622064	ZHP02622064	ZHP02622064	ZHP02622064					CHEN_Baozhen	CHEN_Baozhen								2018.10.24报临海市政府.docx		11/5/2018	11/5/2018	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report to Taizhou municipal government regarding valsartan event
71	ZHP02622067	ZHP02622067	ZHP02622067	ZHP02622067					CHEN_Baozhen	CHEN_Baozhen YE_Cunxiao								2018.07.20关于缙沙坦氢氯噻嗪胶囊主动召回进展情况的报告-重庆康刻尔制药.pdf		7/20/2018	7/22/2018	Portable Document Format	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Report from Chongqing KangKeEr to Chongqing Food and Drug Administration regarding the recall of valsartan of ZHP

72	ZHP02622068	ZHP02622068	ZHP02622068	ZHP02622068				CHEN_Baozhen	CHEN_Baozhen									7/22/2018	7/22/2018	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A summary of communications with the Medical Products Administration authorities of Shandong Province and Jiangsu Province	
73	ZHP02622072	ZHP02622072	ZHP02622072	ZHP02622072				CHEN_Baozhen	CHEN_Baozhen YE_Cunxiao									8/10/2018	4/10/2020	Portable Document Format	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Letter from National Food and Drug Administration to the local Food and Drug Administration of Heilongjiang, Jiangsu, Zhejiang, Shandong, Hainan, Chongqing regarding NDMA risk of valsartan API	
74	ZHP02622088	ZHP02622088	ZHP02622087	ZHP02622273	ZHP02622087			CHEN_Baozhen	CHEN_Baozhen									9/27/2019		Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes with National Drug Administration regarding inspection	
75	ZHP02627585	ZHP02627585	ZHP02627585	ZHP02627587		ZHP02627586; ZHP02627587	2	DONG_Peng	DONG_Peng ZHOU_Ting	Ada Zhou <adazhou@huahaipharm.com>	董鹏 <dongpeng@huahaipharm.com>			Fw: 华海药业关于厄贝沙坦原料药的答复	5/27/2019		Fw_华海药业关于厄贝沙坦原料药的答复.eml	5/27/2019		RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email to Center of Drug Administration in reply to the question raised by CDE regarding irbesartan API	
76	ZHP02631527	ZHP02631527	ZHP02631527	ZHP02631528		ZHP02631528	1	LI_Qiangming	GU_Eric LI_Qiangming	mawang@huahaipharm.com	李强明 <liqiangming@huahaipharm.com> 顾虹总 <hgu@syncores.net>			Fw: 转发：关于协助药审中心起草《药物中亚硝酸杂质研究技术指导原则》研讨会的邀请	11/15/2019		Fw_转发：关于协助药审中心起草《药物中亚硝酸杂质研究技术指导原则》研讨会的邀请.eml	11/15/2019	6/6/2020	RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Email from Center of Drug Administration to ZHP regarding of NDMA in drugs research technical guideline, in which ZHP was told to keep confidential.	
77	ZHP02631528	ZHP02631528	ZHP02631527	ZHP02631528	ZHP02631527			LI_Qiangming	GU_Eric LI_Qiangming								药物中亚硝酸杂质研究技术指导原则（草稿）.pdf	11/14/2019	11/14/2019	Portable Document Format	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A guideline for the study of nitrosamine impurities in drugs from Center for Drug Evaluation (CDE) of the China National Medical Products Administration, in which the CDE expressly required ZHP to keep confidential.	
78	ZHP02636528	ZHP02636528	ZHP02636528	ZHP02636528				YE_Cunxiao	YE_Cunxiao								2018.07.29关于华海药业缙沙坦事件有关情况的续报（临海市报台州市）.doc	Unknown	7/31/2018	12/18/2018	Microsoft Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report intended to Taizhou municipal government regarding valsartan event.
79	ZHP02636529	ZHP02636529	ZHP02636529	ZHP02636529				YE_Cunxiao	YE_Cunxiao								市政府汇报材料--进口禁令发布后公司进展18.10.22.docx		10/22/2018	12/18/2018	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A document dated Oct 22, 2018 of ZHP regarding valsartan event, intended for Taizhou municipal government
80	ZHP02636532	ZHP02636532	ZHP02636532	ZHP02636532				YE_Cunxiao	YE_Cunxiao								2018.07.29关于华海药业缙沙坦事件有关情况的续报（临海市报台州市）.doc	Unknown	9/5/2018	12/18/2018	Microsoft Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report intended to Taizhou municipal government regarding valsartan event by Linhai municipal government
81	ZHP02636533	ZHP02636533	ZHP02636533	ZHP02636533				YE_Cunxiao	YE_Cunxiao								20180929给省局的汇报材料（整改进度和下一步计划）.docx		9/29/2018	12/18/2018	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report to Zhejiang Medical Products Administration regarding progress of rectification and plan for next stage

82	ZHP02636534	ZHP02636534	ZHP02636534	ZHP02636534				YE_Cunxiao	YE_Cunxiao								关于欧美官方发布华海产品进口禁令的紧急报告V3--商务部20180929.docx		9/29/2018	12/18/2018	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report to Taizhou Commerce Bureau regarding the import ban of ZHP product by EU and USA.
83	ZHP02636539	ZHP02636539	ZHP02636539	ZHP02636539				YE_Cunxiao	YE_Cunxiao								43号省药监局.doc	Unknown	10/3/2018	12/18/2018	Microsoft Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report to Zhejiang Medical Products Administration regarding valsartan event in EU and USA
84	PRINSTON00281865	PRINSTON00281865	PRINSTON00281865	PRINSTON00281865				Guo_Xiaodi	Guo_Xiaodi								2017年6月12日CDE与华海团队交流情况纪要_June_302017--CDE修改.docx		7/25/2017	2/20/2018	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and the officials from Center of Drug Evaluation regarding dissolution test and exemption of products dated June 12, 2017
85	ZHP02649226	ZHP02649226	ZHP02649224	ZHP02649226	ZHP02649224			ZHU_Wenquan	ZHU_Wenquan								台州药检所、临海局对厄贝沙坦基因毒杂质事件调研和关注20190108.docx		1/8/2019		Unknown Binary File	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and Taizhou Medical Products Administration regarding genotoxic impurities in irbesartan
86	ZHP02649414	ZHP02649414	ZHP02649414	ZHP02649414				ZHOU_Ting	ZHOU_Ting				华海模板				会议纪要_厄贝沙坦CDE交流_20190619.docx	Ada	7/2/2019	8/15/2019	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and Center for Drug Administration regarding NDMA event in sartans
87	ZHP02649416	ZHP02649416	ZHP02649416	ZHP02649416				ZHOU_Ting	ZHOU_Ting								20190619华海厄贝沙坦原料药沟通交流会会议纪要.doc	Unknown	7/16/2019	8/15/2019	Microsoft Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Art. 27 of Implementing Regulations regarding the State Secrets Protection Law of the People's Republic of China. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	Meeting minutes between ZHP and Center for Drug Administration regarding NDMA event in sartans
88	ZHP02649530	ZHP02649530	ZHP02649530	ZHP02649533		ZHP02649531; ZHP02649532; ZHP02649533	3	ZHOU_Ting	ZHOU_Ting								关于缬沙坦杂质的信息_国家局V2_July 11,2018.docx		7/12/2018	8/15/2019	Microsoft 2007 Word Document	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	A report sent to National Food and Drug Administration regarding NDMA in valsartan

EXHIBIT 2

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	FIRST BATES	LAST BATES	BEGATTACH	ENDATTACH	PARENT BATES	CHILD BATES	ATTACHMENT_COUNT	CUSTODIAN	DUPLICATE CUSTODIANS	FROM	TO	CC	BCC	SUBJECT	DATE SENT	DATE RECEIVED	FILENAME	AUTHOR	DOCUMENT DATE	DATE CREATED	DOCUMENT TYPE	BASIS FOR REDACTION	DESCRIPTION
1	ZHP02441394	ZHP02441394	ZHP02441394	ZHP02441395		ZHP02441395	1	GE_Jucai	CHEN_Baozhen GE_Jucai LIN_Lihong	Jun Du <jun.du88@gmail.com>	Linda Lin <lindalin@huahaipharm.com>	gejucai <gejucai@huahaipharm.com> 陈宝珍 <chenbaozhen@huahaipharm.com>		Re: FDA 483 +欧盟检查缺陷以及答复概要	12/15/2018		Re_FDA 483 +欧盟检查缺陷以及答复概要.eml		12/15/2018	5/21/2020	RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	An email of ZHP, discussing the materials prepared to send to national and provincial medical products administrations.
2	ZHP02441402	ZHP02441402	ZHP02441402	ZHP02441403		ZHP02441403	1	GE_Jucai	CHEN_Baozhen GE_Jucai LIN_Lihong	lindalin@huahaipharm.com	Jun Du <jun.du88@gmail.com>	gejucai <gejucai@huahaipharm.com> 陈宝珍 <chenbaozhen@huahaipharm.com>		Re: Re: FDA 483 +欧盟检查缺陷以及答复概要	12/16/2018		Re_Re_FDA 483 +欧盟检查缺陷以及答复概要(1).eml		12/16/2018	5/21/2020	RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	An email discussing the materials prepared to send to national and provincial medical products administrations.
3	ZHP02444020	ZHP02444020	ZHP02444020	ZHP02444021		ZHP02444021	1	GE_Jucai	CHEN_Baozhen GE_Jucai LIN_Lihong	lindalin@huahaipharm.com	Jun Du <jun.du88@gmail.com>	gejucai <gejucai@huahaipharm.com> 陈宝珍 <chenbaozhen@huahaipharm.com>		Re: Re: FDA 483 +欧盟检查缺陷以及答复概要	12/17/2018		Re_Re_FDA 483 +欧盟检查缺陷以及答复概要.eml		12/17/2018	5/21/2020	RFC822 Email Message	Arts. 2, 9 and 48 of the Law of the People's Republic of China on Protecting State Secrets. Arts. 2, 10, 16 and 17 of the Regulations of the People's Republic of China on the Disclosure of Government Information.	An email discussing the materials prepared to send to national and provincial medical products administrations.

EXHIBIT 3

中华人民共和国保守国家秘密法

Law of the People's Republic of China on Guarding State Secrets

颁布机关: 全国人民代表大会常务委员会
Promulgating Institution: Standing Committee of the National People's Congress

文 号: 中华人民共和国主席令第二十八号
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中华人民共和国主席令

第二十八号

《中华人民共和国保守国家秘密法》已由中华人民共和国第十一届全国人民代表大会常务委员会第十四次会议于2010年4月29日修订通过，现将修订后的《中华人民共和国保守国家秘密法》公布，自2010年10月1日起施行。

中华人民共和国主席 胡锦涛

2010年4月29日

Order of the President of the People's Republic of China

No. 28

The Law of the People's Republic of China on Guarding State Secrets has been adopted at the 14th Session of the 11th Standing Committee of the National People's Congress of the People's Republic of China on April 29, 2010, and the revised Law of the People's Republic of China on Guarding State Secrets is hereby promulgated and shall become effective from October 1, 2010.

Hu Jintao, President of the People's Republic of China

April 29, 2010

中华人民共和国保守国家秘密法

(1988年9月5日第七届全国人民代表大会第三次会议通过 2010年4月29日第十一届全国人民代表大会常务委员会第十四次会议修订)

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Law of the People's Republic of China on Guarding State Secrets

(Adopted at the Third Session of the Seventh Standing Committee of the National People's Congress of the People's Republic of China on September 5, 1988; and revised at the 14th Session of the 11th Standing Committee of the National People's Congress of the People's Republic of China on April 29, 2010)

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第一章 总则

Chapter 1: General Provisions

第一条 为了保守国家秘密,维护国家安全和利益,保障改革开放和社会主义建设事业的顺利进行,制定本法。

Article 1 This Law is enacted for the purpose of guarding State secrets, safeguarding State security and national interests and ensuring the smooth progress of reform, of opening to the outside world, and of socialist construction.

第二条 国家秘密是关系国家安全和利益,依照法定程序确定,在一定时间内只限一定范围的人员知悉的事项。

Article 2 State secrets shall be matters that have a vital bearing on State security and national interests and, as determined according to statutory procedures, are known by people within a certain scope for a given period of time.

第三条 国家秘密受法律保护。

一切国家机关、武装力量、政党、社会团体、企业事业单位和公民都有保守国家秘密的义务。任何危害国家秘密安全的行为,都必须受到法律追究。

Article 3 State secrets shall be protected by the law.

All State organs, armed forces, political parties, social groups, enterprises, public institutions and citizens shall have the obligation to guard State secrets.

Any act that jeopardizes the security of a State secret shall be subject to legal liability.

第四条 保守国家秘密的工作(以下简称保密工作),实行积极防范、突出重点、依法管理的方针,既确保国家秘密安全,又便利信息资源合理利用。

法律、行政法规规定公开的事项,应当依法公开。

Article 4 The work of guarding State secrets (hereinafter referred to as "the secret-guarding work") shall be in line with the principles of actively preventing their divulgence, laying emphasis on priorities

and carrying out administration legally so that State secrets are kept while the rational use of information resources is facilitated.

The matters that are publicized as required by the laws and administrative regulations shall be publicized in accordance with the law.

第五条 国家保密行政管理部门主管全国的保密工作。县级以上地方各级保密行政管理部门主管本行政区域的保密工作。

Article 5 The State secret-guarding administrative department shall take charge of the national secret-guarding work. The local secret-guarding administrative department at or above the county level shall take charge of the secret-guarding work within their respective administrative area.

第六条 国家机关和涉及国家秘密的单位(以下简称机关、单位)管理本机关和本单位的保密工作。中央国家机关在其职权范围内,管理或者指导本系统的保密工作。

Article 6 State organs and the organizations that involve State secrets (hereinafter referred to as "organs and organizations") shall administer the secret-guarding work of their own organs and organizations.

The central State organs shall, within the scope of their functions and powers, administer or guide the secret-guarding work within their own system.

第七条 机关、单位应当实行保密工作责任制,健全保密管理制度,完善保密防护措施,开展保密宣传教育,加强保密检查。

Article 7 The organs and organizations shall adopt the secret-guarding accountability system, improve the secret-guarding management system, perfect protective secret-guarding measures, carry out secret-guarding publicity and education, and strengthen the secret-guarding inspection.

第八条 国家对在保守、保护国家秘密以及改进保密技术、措施等方面成绩显著的单位或者个人给予奖励。

第二章 国家秘密的范围和密级

Article 8 The State shall grant awards to the organizations or individuals that have made notable achievements in guarding and protecting State secrets and improving techniques and measures, etc. for guiding secrets.

Chapter 2: Scopes and Categories of State Secrets

第九条 下列涉及国家安全和利益的事项,泄露后可能损害国家在政治、经济、国防、外交等领域的安全和利益的,应当确定为国家秘密:

- (一)国家事务重大决策中的秘密事项;
 - (二)国防建设和武装力量活动中的秘密事项;
 - (三)外交和外事活动中的秘密事项以及对外承担保密义务的秘密事项;
 - (四)国民经济和社会发展中的秘密事项;
 - (五)科学技术中的秘密事项;
 - (六)维护国家安全活动和追查刑事犯罪中的秘密事项;
 - (七)经国家保密行政管理部门确定的其他秘密事项。
- 政党的秘密事项中符合前款规定的,属于国家秘密。

Article 9 The following matters involving State security and national interests shall be determined as State secrets if the divulgence of such matters is likely to prejudice State security and national interests in the fields such as political affairs, economy, national defense and foreign affairs:

- (1) secrets concerning major policy decisions on State affairs;
- (2) secrets in the building of national defense and in the activities of the armed forces;
- (3) secrets in diplomatic activities and in the activities related to foreign affairs as well as secrets to be kept as commitments to foreign countries;
- (4) secrets in the national economic and social development;
- (5) secrets concerning science and technology;
- (6) secrets concerning the activities for safeguarding State security and the investigation of criminal offences; and
- (7) other matters that are classified as State secrets by the State secret-guarding department.

Secrets of political parties that conform to the provisions of the preceding paragraph shall be State secrets.

第十条 国家秘密的密级分为绝密、机密、秘密三级。

绝密级国家秘密是最重要的国家秘密,泄露会使国家安全和利益遭受特别严重的损害;机密级国家秘密是重要的国家秘密,泄露会使国家安全和利益遭受严重的损害;秘密级国家秘密是一般的国家秘密,泄露会使国家安全和利益遭受损害。

Article 10 State secrets shall fall into three categories: most confidential, classified and confidential.

The most confidential information refers to vital State secrets, the divulgence of which will cause extremely serious harm to State security and national interests; classified information refers to important State secrets, the divulgence of which will cause serious harm to State security and national interests; and confidential information refers to ordinary State secrets, the divulgence of which will cause harm to State security and national interests.

第十一条 国家秘密及其密级的具体范围,由国家保密行政管理部门分别会同外交、公安、国家安全和其他中央有关机关规定。

军事方面的国家秘密及其密级的具体范围,由中央军事委员会规定。

国家秘密及其密级的具体范围的规定,应当在有关范围内公布,并根据情况变化及时调整。

Article 11 The specific scopes and categories of State secrets shall be determined by the State secret-guarding department respectively with the ministries of foreign affairs, public security and State security and other central organs concerned.

The specific scopes and categories of State secrets related to military affairs shall be determined by the Central Military Commission.

Stipulations on the specific scopes and categories of State secrets shall be made known within relevant scope, and adjusted in a timely manner in response to changing circumstances.

第十二条 机关、单位负责人及其指定的人员为定密责任人,负责本机关、本单位的国家秘密确定、变更和解除工作。

机关、单位确定、变更和解除本机关、本单位的国家秘密,应当由承办人提出具体意见,经定密责任人审核批准。

Article 12 The responsible person of an organ or organization or the person designated by such responsible person shall be the person in charge of classifying State secrets, and be responsible for the work of classifying, modifying and declassifying State secrets of the organ or organization.

When an organ or organization classifies, modifies or declassifies its own State secrets, the person who handles the matter shall formulate a specific opinion thereon, to be examined, verified and approved by the person in charge of classifying State secrets.

第十三条 确定国家秘密的密级,应当遵守定密权限。

中央国家机关、省级机关及其授权的机关、单位可以确定绝密级、机密级和秘密级国家秘密;设区的市、自治州一级的机关及其授权的机关、单位可以确定机密级和秘密级国家秘密。具体的定密权限、授权范围由国家保密行政管理部门规定。

机关、单位执行上级确定的国家秘密事项,需要定密的,根据所执行的国家秘密事项的密级确定。下级机关、单位认为本机关、本单位产生的有关定密事项属于上级机关、单位的定密权限,应当先行采取保密措施,并立即报请上级机关、单位确定;没有上级机关、单位的,应当立即提请有相应定密权限的业务主管部门或者保密行政管理部门确定。

公安、国家安全机关在其工作范围内按照规定的权限确定国家秘密的密级。

Article 13 The categories of State secrets shall be subject to the authority for classifying State secrets.

A central State organ or an organ at the level of province or its authorized organ or organization may classify State secrets as most confidential, classified and confidential; and the organ at the level of city with districts or autonomous prefecture or its authorized organ or organization may classify State secrets as classified and confidential. Specific authority for classifying State secrets and the scope of authorization shall be determined by the State secret-guarding administrative department.

Where an organ or organization carries out a matter that is determined as State secrets by its superior department and needs to classify the matter, such classification shall be made according to the category of the State secret. Where the organ or organization at a lower level considers that the relevant matter to be classified arising in the organ or organization falls under the authority of its superior department, security measures shall be taken in advance, and the matter shall be forthwith reported to the superior department for classification; in the absence of such superior department, the matter shall be forthwith reported to the competent department or secret-guarding administrative department with the appropriate authority for classification.

A public security organ or State security organ shall, within the scope of its responsibilities, classify State secrets according to the specified authority limits.

第十四条 机关、单位对所产生的国家秘密事项,应当按照国家秘密及其密级的具体范围的规定确定密级,同时确定保密期限和知悉范围。

Article 14 An organ or organization shall, in accordance with the provisions on the specific scopes of State secrets and their categories, classify the State secrets arising in the organ or organization, and determine the time limit for guarding the State secrets and the scope of availability of the State secrets.

第十五条 国家秘密的保密期限,应当根据事项的性质和特点,按照维护国家安全和利益的需要,限定在

必要的期限内;不能确定期限的,应当确定解密的条件。

国家秘密的保密期限,除另有规定外,绝密级不超过三十年,机密级不超过二十年,秘密级不超过十年。

机关、单位应当根据工作需要,确定具体的保密期限、解密时间或者解密条件。

机关、单位对在决定和处理有关事项工作过程中确定需要保密的事项,根据工作需要决定公开的,正式公布时即视为解密。

Article 15 The period for guarding a State secret shall, based on the nature and characteristics of the State secret, be restricted to a necessary time limit according to the needs of maintaining State security and national interests; if the period fails to be determined, the conditions for declassifying the secret shall be determined.

Unless otherwise provided, the period for guarding a State secret that is most confidential shall not exceed 30 years, the period for guarding a State secret that is classified shall not exceed 20 years, and the period for guarding a State secret that is confidential shall not exceed ten years.

An organ or organization shall, according to the actual needs, determine specific period for guarding State secrets, or date or conditions for declassifying State secrets.

Where an organ or organization decides, according to the actual needs, to publicize the matters determined as State secrets in deciding on or handling relevant matters, the matters shall be deemed as having been declassified upon formal publicity.

第十六条 国家秘密的知悉范围,应当根据工作需要限定在最小范围。

国家秘密的知悉范围能够限定到具体人员的,限定到具体人员;不能限定到具体人员的,限定到机关、单位,由机关、单位限定到具体人员。

国家秘密的知悉范围以外的人员,因工作需要知悉国家秘密的,应当经过机关、单位负责人批准。

Article 16 The availability of a State secret shall be limited to the minimum scope according to the actual needs.

The scope of availability of a State secret shall be defined to specific personnel if possible, and, if not possible, to the organ or organization which shall limit the scope to specific personnel.

Where the personnel out of the scope of availability of a State secret need to know the State secret according to the actual needs, the approval of the responsible person of the relevant organ or organization shall be required.

第十七条 机关、单位对承载国家秘密的纸介质、光介质、电磁介质等载体(以下简称国家秘密载体)以及属于国家秘密的设备、产品,应当做出国家秘密标志。

不属于国家秘密的,不应当做出国家秘密标志。

Article 17 An organ or organization shall indicate the mark of State secret on carriers bearing State secrets such as paper and optical or magnetic media (hereinafter referred to as "State secret carriers") and equipment and products that are State secrets.

The mark of State secret shall not be indicated on those that do not fall within State secrets.

第十八条 国家秘密的密级、保密期限和知悉范围,应当根据情况变化及时变更。国家秘密的密级、保密期限和知悉范围的变更,由原定密机关、单位决定,也可以由其上级机关决定。

国家秘密的密级、保密期限和知悉范围变更的,应当及时书面通知知悉范围内的机关、单位或者人员

。

Article 18 The categories of State secrets, the periods for guarding them and the scope of their availability shall be modified in response to changing circumstances. Such modifications shall be decided by the organ or organization that originally determined the categories of the secrets and the periods for guarding them and the scope of their availability or by the relevant superior departments.

The organs or organizations or personnel within the scope of availability of State secrets shall be notified, in writing and in a timely manner, of modifications of the categories of the State secrets, the periods for guarding them and the scope of their availability if any.

第十九条 国家秘密的保密期限已满的,自行解密。

机关、单位应当定期审核所确定的国家秘密。对在保密期限内因保密事项范围调整不再作为国家秘密事项,或者公开后不会损害国家安全和利益,不需要继续保密的,应当及时解密;对需要延长保密期限的,应当在原保密期限届满前重新确定保密期限。提前解密或者延长保密期限的,由原定密机关、单位决定,也可以由其上级机关决定。

Article 19 A State secret shall be automatically declassified upon the expiration of the period for guarding it.

An organ or organization shall regularly examine and verify State secrets as determined. Where the matters are no longer kept as State secrets within the periods for guarding them due to the adjustment of the scope of State secrets, or it is unnecessary to continue to keep the State secrets because the publicity of the State secrets will not prejudice State security and national interests, the State secrets shall be declassified in a timely manner; where it is necessary to extend the periods for guiding secrets, the periods shall be determined anew prior to the expiration thereof. The earlier declassification of the State secrets or the extension of the period for guarding them shall be decided by the organ or organization that originally determined the declassification of the State secrets or the extension of the periods or by its superior department.

第二十条 机关、单位对是否属于国家秘密或者属于何种密级不明确或者有争议的,由国家保密行政管理部门或者省、自治区、直辖市保密行政管理部门确定。

第三章 保密制度

Article 20 Where an organ or organization is unclear about or has dispute in determining as to whether or not a matter is a State secret or which category, it should be classified into, the determination shall be made by the State secret-guarding department or the secret-guarding administrative department of a province, autonomous region or municipality directly under the Central Government.

Chapter 3: Secret-guiding Rules

第二十一条 国家秘密载体的制作、收发、传递、使用、复制、保存、维修和销毁,应当符合国家保密规定。

绝密级国家秘密载体应当在符合国家保密标准的设施、设备中保存,并指定专人管理;未经原定密机关、单位或者其上级机关批准,不得复制和摘抄;收发、传递和外出携带,应当指定人员负责,并采取必要的安全措施。

Article 21 The preparation, receipt, dispatch, delivery, use, reproduction, preservation, maintenance and destruction of State secret carriers shall conform to the secret-guiding provisions of the State.

The carriers of State secrets that are most confidential shall be preserved on the facilities or equipment that comply with the secret-guarding standard of the State, and personnel shall be specially designated

to manage the said facilities or equipment; the reproduction and extraction of such carriers shall not be made without the approval by the organ or organization that originally classified the State secrets or its superior department; personnel shall be designated to take charge of the receipt, dispatch, delivery or carrying of such carriers, and necessary security measures shall be taken.

第二十二条 属于国家秘密的设备、产品的研制、生产、运输、使用、保存、维修和销毁,应当符合国家保密规定。

Article 22 The development, production, transportation, use, preservation, maintenance and destruction of equipment or products that are State secrets shall conform to the secret-guiding provisions of the State.

第二十三条 存储、处理国家秘密的计算机信息系统(以下简称涉密信息系统)按照涉密程度实行分级保护。

涉密信息系统应当按照国家保密标准配备保密设施、设备。保密设施、设备应当与涉密信息系统同步规划,同步建设,同步运行。

涉密信息系统应当按照规定,经检查合格后,方可投入使用。

Article 23 Hierarchical protection shall be applied to the computer information systems that store or handle State secrets (hereinafter referred to as "secret-related information systems") according to the extent to which they are related to secrets.

A secret-related system shall be equipped with the secret-guiding facilities or equipment according to the secret-guarding standard of the State. The secret-guiding facilities or equipment shall be planned, constructed and operated synchronously with the secret-related information system.

The secret-related information system shall, in accordance with the provisions, not be put into use before passing inspection.

第二十四条 机关、单位应当加强对涉密信息系统的管理,任何组织和个人不得有下列行为:

- (一)将涉密计算机、涉密存储设备接入互联网及其他公共信息网络;
- (二)在未采取防护措施的情况下,在涉密信息系统与互联网及其他公共信息网络之间进行信息交换;
- (三)使用非涉密计算机、非涉密存储设备存储、处理国家秘密信息;
- (四)擅自卸载、修改涉密信息系统的安全技术程序、管理程序;
- (五)将未经安全技术处理的退出使用的涉密计算机、涉密存储设备赠送、出售、丢弃或者改作其他用途。

Article 24 An organ or organization shall strengthen the management of secret-related information systems, and no organization or individual may conduct the following acts:

(1) Connecting a secret-related computer or secret-related storage equipment to the Internet or any other public information network;

(2) Without taking any protective measures, exchanging information between a secret-related information system and the Internet or any other public information systems;

(3) Using a non-secret-related computer or non-secret-related storage equipment to handle information pertaining to State secrets;

(4) Uninstalling or revising the security technology programs or management programs of a secret-related information system without approval; and

(5) Presenting as a gift, selling, discarding, or altering the purpose of a secret-related computer or secret-related storage equipment that is no longer in use and has not been approached with security technology.

第二十五条 机关、单位应当加强对国家秘密载体的管理,任何组织和个人不得有下列行为:

- (一)非法获取、持有国家秘密载体;
- (二)买卖、转送或者私自销毁国家秘密载体;
- (三)通过普通邮政、快递等无保密措施的渠道传递国家秘密载体;
- (四)邮寄、托运国家秘密载体出境;
- (五)未经有关主管部门批准,携带、传递国家秘密载体出境。

Article 25 An organ or organization shall strengthen the management of State secret carriers, and no organization or individual may conduct the following acts:

- (1) Illegally obtaining or possessing State secret carriers;
- (2) Buying, selling, transmitting or privately destroying State secret carriers;
- (3) Transmitting State secret carriers through channels without any security measures such as ordinary mail and express delivery;
- (4) Mailing or consigning State secret carriers out of China; and
- (5) Carrying or transmitting State secret carriers out of China without approval by the relevant authority.

第二十六条 禁止非法复制、记录、存储国家秘密。

禁止在互联网及其他公共信息网络或者未采取保密措施的有线和无线通信中传递国家秘密。

禁止在私人交往和通信中涉及国家秘密。

Article 26 State secrets shall be prohibited from being illegally reproduced, recorded or stored.

State secrets shall be prohibited from being transmitted on the Internet or any other public information network or via wire or wireless communications without any security measures.

No State secrets may be involved in private contacts or correspondence.

第二十七条 报刊、图书、音像制品、电子出版物的编辑、出版、印制、发行,广播节目、电视节目、电影的制作和播放,互联网、移动通信网等公共信息网络及其他传媒的信息编辑、发布,应当遵守有关保密规定。

Article 27 The editing, publication, printing and distribution of newspapers, books, audio-video products and electronic publications, the production and broadcasting of broadcasts, television programs and films, the information compilation and release on the Internet, mobile communications networks and other public information networks and via other media shall comply with the secret-guiding provisions.

第二十八条 互联网及其他公共信息网络运营商、服务商应当配合公安机关、国家安全机关、检察机关对泄密案件进行调查;发现利用互联网及其他公共信息网络发布的信息涉及泄露国家秘密的,应当立即停止传输,保存有关记录,向公安机关、国家安全机关或者保密行政管理部门报告;应当根据公安机关、国家安全机关或者保密行政管理部门的要求,删除涉及泄露国家秘密的信息。

Article 28 Internet operators and other public information network operators and service providers shall provide cooperation in the investigation over cases involving the divulgence of State secrets

conducted by the public security organs, State security organs and procuratorial organs; when discovering that the information released on the Internet or any other public information network involves divulgence of State secrets, the operators and providers shall immediately stop the transmission thereof, keep the relevant records, and make a report to the public security organs, the State security organs or the secret-guarding administrative departments; the information involving the divulgence of State secrets shall be deleted as required by the public security organs, the State security organs or the secret-guarding administrative departments.

第二十九条 机关、单位公开发布信息以及对涉及国家秘密的工程、货物、服务进行采购时,应当遵守保密规定。

Article 29 An organ or organization shall observe the secret-guiding provisions in publicly releasing information and making purchase in connection with the construction, goods and services that involve State secrets.

第三十条 机关、单位对外交往与合作中需要提供国家秘密事项,或者任用、聘用的境外人员因工作需要知悉国家秘密的,应当报国务院有关主管部门或者省、自治区、直辖市人民政府有关主管部门批准,并与对方签订保密协议。

Article 30 Where an organ or organization needs to provide a State secret for the benefits of contacts and co-operation with foreign countries, or a foreign-appointed or foreign-employed person needs to know a State secret because of the actual needs, the organ or organization shall report the same to the relevant competent department of the State Council or the relevant competent department of the people's government of a province, autonomous region or municipality directly under the Central Government for approval, and conclude an agreement on confidentiality with the other party.

第三十一条 举办会议或者其他活动涉及国家秘密的,主办单位应当采取保密措施,并对参加人员进行保密教育,提出具体保密要求。

Article 31 Where meetings and other activities involve State secrets, the sponsor organizations shall take secret-guiding measures, conduct secret-guiding education among the participants, and formulate specific requirements for guiding secrets.

第三十二条 机关、单位应当将涉及绝密级或者较多机密级、秘密级国家秘密的机构确定为保密要害部门,将集中制作、存放、保管国家秘密载体的专门场所确定为保密要害部位,按照国家保密规定和标准配备、使用必要的技术防护设施、设备。

Article 32 An organ or organization shall determine its section that involves the most confidential State secrets or a relatively large number of classified or confidential State secrets as a key secret-guarding department, determine the special place where the manufacture, storage and custody of State secret carriers are conducted on a centralized basis as a key location, and provide and use necessary technical protection facilities or equipment in accordance with the secret-guiding provisions and standards of the State.

第三十三条 军事禁区 and 属于国家秘密不对外开放的其他场所、部位,应当采取保密措施,未经有关部门批准,不得擅自决定对外开放或者扩大开放范围。

Article 33 Military forbidden zones and other places and locations that are State secrets and are not open to the public shall be protected by security measures; without approval of the relevant department, no decision may be made to open them to the public or to enlarge the area that is open to the public.

第三十四条 从事国家秘密载体制作、复制、维修、销毁,涉密信息系统集成,或者武器装备科研生产等涉及国家秘密业务的企业事业单位,应当经过保密审查,具体办法由国务院规定。

机关、单位委托企业事业单位从事前款规定的业务,应当与其签订保密协议,提出保密要求,采取保密措施。

Article 34 An enterprise or public institution that engages in the manufacture, reproduction, maintenance and destruction of State secret carriers, the integration of secret-related information systems, or the business involving State secrets such as scientific research and production of weaponry shall be subject to confidentiality review, and specific measures shall be provided by the State Council.

When appointing an enterprise or public institution to engage in the business set forth in the preceding paragraph, the organ or organization shall conclude an agreement on confidentiality with the enterprise or public institution, lay down the requirements for guarding secrets and take confidentiality measures.

第三十五条 在涉密岗位工作的人员(以下简称涉密人员),按照涉密程度分为核心涉密人员、重要涉密人员和一般涉密人员,实行分类管理。

任用、聘用涉密人员应当按照有关规定进行审查。

涉密人员应当具有良好的政治素质和品行,具有胜任涉密岗位所要求的工作能力。

涉密人员的合法权益受法律保护。

Article 35 Personnel who hold secret-related posts (hereinafter referred to as "secret-related personnel") shall, based on the extent to which they are related to secrets, be classified as core secret-related personnel, important secret-related personnel and ordinary secret-related personnel, and shall be subject to classified management.

Examination shall be conducted in respect of appointment or employment of secret-related personnel in accordance with the relevant provisions.

Secret-related personnel shall have good political quality and behavior, and be competent for a secret-related post.

Legitimate rights and interests of secret-related personnel shall be protected by law.

第三十六条 涉密人员上岗应当经过保密教育培训,掌握保密知识技能,签订保密承诺书,严格遵守保密规章制度,不得以任何方式泄露国家秘密。

Article 36 Before taking post, secret-related personnel shall receive secret-guarding education and training, master secret-guarding knowledge and skills, sign a confidentiality undertaking, and strictly observe security rules and regulations, and shall not divulge State secrets in any way.

第三十七条 涉密人员出境应当经有关部门批准,有关机关认为涉密人员出境将对国家安全造成危害或者对国家利益造成重大损失的,不得批准出境。

Article 37 Secret-related personnel shall only leave China upon approval of the relevant departments. If the relevant organs consider that secret-related personnel's leaving China will cause harm to State security or cause heavy loss to national interests, secret-related personnel shall not be approved to leave China.

第三十八条 涉密人员离岗离职实行脱密期管理。涉密人员在脱密期内,应当按照规定履行保密义务,不得违反规定就业,不得以任何方式泄露国家秘密。

Article 38 Secret-related personnel shall be subject to the administration whereby they are kept away from secrets during a specific period of time when leaving their post or position. Within such

period, secret-related personnel shall perform their obligation for guarding secrets in accordance with the provisions, and shall not be employed in violation of the provisions or divulge State secrets in any way.

第三十九条 机关、单位应当建立健全涉密人员管理制度,明确涉密人员的权利、岗位责任和要求,对涉密人员履行职责情况开展经常性的监督检查。

Article 39 An organ or organization shall establish and improve the management system for secret-related personnel, specify the rights of secret-related personnel and their post responsibilities and requirements, and constantly supervise and inspect secret-related personnel's performance of responsibilities.

第四十条 国家工作人员或者其他公民发现国家秘密已经泄露或者可能泄露时,应当立即采取补救措施并及时报告有关机关、单位。机关、单位接到报告后,应当立即作出处理,并及时向保密行政管理部门报告。

第四章 监督管理

Article 40 When a functionary or any other citizen discovers that a State secret has been divulged or is likely to be divulged, he or she shall forthwith take remedial measures and report the same to the relevant organ or organization in a timely manner. The organ or organization shall, after receiving the report, forthwith handle the matter and report the same to the relevant secret-guarding administrative department in a timely manner.

Chapter 4: Supervision and Administration

第四十一条 国家保密行政管理部门依照法律、行政法规的规定,制定保密规章和国家保密标准。

Article 41 The State secret-guarding administrative department shall, in accordance with the provisions of laws and administrative regulations, formulate secret-guarding rules and the State secret-guarding standard.

第四十二条 保密行政管理部门依法组织开展保密宣传教育、保密检查、保密技术防护和泄密案件查处工作,对机关、单位的保密工作进行指导和监督。

Article 42 A secret-guarding administrative department shall, in accordance with the law, organize and carry out the work relating to the dissemination of the knowledge about secret guarding, secret-guarding inspection, and investigation and punishment of cases involving the protection of secret-guarding technology and secret divulgence, and guide and supervise the secret-guarding work of organs and organizations.

第四十三条 保密行政管理部门发现国家秘密确定、变更或者解除不当的,应当及时通知有关机关、单位予以纠正。

Article 43 Where a secret-guarding administrative department discovers any inappropriate classification, modification or declassification of a State secret, the department shall promptly notify the relevant organ or organization to make corrections.

第四十四条 保密行政管理部门对机关、单位遵守保密制度的情况进行检查,有关机关、单位应当配合。保密行政管理部门发现机关、单位存在泄密隐患的,应当要求其采取措施,限期整改;对存在泄密隐患的设施、设备、场所,应当责令停止使用;对严重违反保密规定的涉密人员,应当建议有关机关、单位给予处分并调离涉密岗位;发现涉嫌泄露国家秘密的,应当督促、指导有关机关、单位进行调查处理。涉嫌犯罪的,移送司法机关处理。

Article 44 When a secret-guarding administrative department inspects an organ or organization in terms of its compliance with security rules, the relevant organ or organization shall provide cooperation. Where a secret-guarding administrative department discovers that there is a hidden danger for divulgence of secrets with an organ or organization, the department shall require the organ or organization to take measures and make corrections within a specified time limit; the department shall order the organ or organization to suspend the use of any facilities, equipment or place with a hidden trouble for divulgence of secrets; the department shall make a suggestion to the relevant organ or organization for imposing disciplinary measures on secret-related personnel who seriously violate the provisions regarding secret-guarding and removing them from their secret-related post; if it is discovered that the personnel are suspected of divulging a State secret, the department shall supervise or guide the relevant organ or organization to conduct investigation and impose punishment accordingly. If the personnel are suspected of committing a criminal offense, the case shall be transferred to the relevant judicial organ for handling.

第四十五条 保密行政管理部门对保密检查中发现的非法获取、持有的国家秘密载体,应当予以收缴。

Article 45 A secret-guarding administrative department shall take over any illegally obtained or possessed State secret carriers that are discovered in the secret-guarding inspection.

第四十六条 办理涉嫌泄露国家秘密案件的机关,需要对有关事项是否属于国家秘密以及属于何种密级进行鉴定的,由国家保密行政管理部门或者省、自治区、直辖市保密行政管理部门鉴定。

Article 46 Where an organ that handles a case involving suspected divulgence of a State secret needs to determine whether or not the relevant matter is a State secret or which category it should be classified into, such determination shall be made by the State secret-guarding administrative department or the secret-guarding administrative department of the relevant province, autonomous region or municipality directly under the Central Government.

第四十七条 机关、单位对违反保密规定的人员不依法给予处分的,保密行政管理部门应当建议纠正,对拒不纠正的,提请其上一级机关或者监察机关对该机关、单位负有责任的领导人员和直接责任人员依法予以处理。

第五章 法律责任

Article 47 Where an organ or organization fails to impose disciplinary measures in accordance with the law on a person who violates the secret-guarding provisions, the relevant secret-guarding administrative department shall make a suggestion on making corrections and, in the event of refusal to make corrections, shall submit the same to the organ or supervision organ at the next higher level for dealing with the leaders bearing responsibility and persons subject to direct liability of the organ or organization in accordance with the law.

Chapter 5: Legal Liability

第四十八条 违反本法规定,有下列行为之一的,依法给予处分;构成犯罪的,依法追究刑事责任:

- (一)非法获取、持有国家秘密载体的;
- (二)买卖、转送或者私自销毁国家秘密载体的;
- (三)通过普通邮政、快递等无保密措施的渠道传递国家秘密载体的;
- (四)邮寄、托运国家秘密载体出境,或者未经有关主管部门批准,携带、传递国家秘密载体出境的;
- (五)非法复制、记录、存储国家秘密的;
- (六)在私人交往和通信中涉及国家秘密的;
- (七)在互联网及其他公共信息网络或者未采取保密措施的有线和无线通信中传递国家秘密的;
- (八)将涉密计算机、涉密存储设备接入互联网及其他公共信息网络的;

(九)在未采取防护措施的情况下,在涉密信息系统与互联网及其他公共信息网络之间进行信息交换的;
(十)使用非涉密计算机、非涉密存储设备存储、处理国家秘密信息的;
(十一)擅自卸载、修改涉密信息系统的安全技术程序、管理程序的;
(十二)将未经安全技术处理的退出使用的涉密计算机、涉密存储设备赠送、出售、丢弃或者改作其他用途的。

有前款行为尚不构成犯罪,且不适用处分的人员,由保密行政管理部门督促其所在机关、单位予以处理。

Article 48 In the case of any of the following acts in violation of the provisions of this Law, disciplinary measures shall be imposed in accordance with the law; if the act constitutes a criminal offense, criminal liability shall be imposed in accordance with the law:

- (1) Illegally obtaining or possessing State secret carriers;
- (2) Buying, selling, transmitting or privately destroying State secret carriers;
- (3) Transmitting State secret carriers through channels without any security measures such as ordinary mail and express delivery;
- (4) Mailing or consigning State secret carriers out of China or carrying or transmitting State secret carriers out of China without approval by the relevant authority;
- (5) Illegally reproducing, recording or storing State secrets;
- (6) Involving State secrets in private contacts or correspondence;
- (7) Transmitting State secrets on the Internet or any other public information network or via wire or wireless communications without any security measures;
- (8) Connecting a secret-related computer or secret-related storage equipment to the Internet or any other public information network;
- (9) Without taking any protective measures, exchanging information between a secret-related information system and the Internet or any other public information systems;
- (10) Using a non-secret-related computer or non-secret-related storage equipment to handle information pertaining to State secrets;
- (11) Uninstalling or revising the security technology programs or management programs of a secret-related information system without approval; and
- (12) Presenting as a gift, selling, discarding, or altering the purpose of, a secret-related computer or secret-related storage equipment that is no longer in use and has not been approached with security technology.

Where a person commits any of the acts set forth in the preceding paragraph but such act does not constitute a criminal offense and disciplinary measures are not applicable, the relevant secret-guarding administrative department shall urge his or her organ or organization to deal with the person.

第四十九条 机关、单位违反本法规定,发生重大泄密案件的,由有关机关、单位依法对直接负责的主管人员和其他直接责任人员给予处分;不适用处分的人员,由保密行政管理部门督促其主管部门予以处理。

机关、单位违反本法规定,对应当定密的事项不定密,或者对不应当定密的事项定密,造成严重后果的,由有关机关、单位依法对直接负责的主管人员和其他直接责任人员给予处分。

Article 49 Where an organ or organization violates the provisions of this Law resulting in the

occurrence of a significant case involving divulgence of secrets, the relevant organ or organization shall impose disciplinary measures on the person directly in charge and the persons subject to direct liability; for the persons to whom the disciplinary measures are not applicable, the secret-guarding administrative department shall urge the department in charge of the person to deal with the person.

Where, in violation of the provisions of this Law, an organ or organization fails to classify a matter that is required to be classified or classifies a matter that is not required to be classified, thereby causing serious consequences, the relevant organ or organization shall impose disciplinary measures on the person directly in charge and the persons subject to direct liability.

第五十条 互联网及其他公共信息网络运营商、服务商违反本法第二十八条规定的,由公安机关或者国家安全机关、信息产业主管部门按照各自职责分工依法予以处罚。

Article 50 Where an Internet operator or any other public information network operator or service provider violates the provisions of Article 28 of this Law, the relevant public security organ or State security organ and the competent information industry department shall, according to their respective functions and duties, impose a penalty thereon in accordance with the law.

第五十一条 保密行政管理部门的工作人员在履行保密管理职责中滥用职权、玩忽职守、徇私舞弊的,依法给予处分;构成犯罪的,依法追究刑事责任。

第六章 附则

Article 51 Where a staff member of a secret-guarding administrative department is derelict in his or her duties, practices favoritism or commits irregularities, disciplinary measures shall be imposed thereon in accordance with the law; if the act constitutes a criminal offense, criminal liability shall be imposed thereon in accordance with the law.

Chapter 6: Supplementary Provisions

第五十二条 中央军事委员会根据本法制定中国人民解放军保密条例。

Article 52 The Central Military Commission shall formulate the Regulations of the Chinese People's Liberation Army on the Guarding of Secrets in accordance with this Law.

第五十三条 本法自2010年10月1日起施行。

Article 53 This Law shall become effective from October 1, 2010.

EXHIBIT 4

中华人民共和国政府信息公开条例

Regulations of the People's Republic of China on Disclosure of Government Information

颁布机关: 国务院
Promulgating Institution: State Council

文 号: 国务院令 第711号
Document Number: Decree No.711 of the State Council

颁布时间: 04/03/2019
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实施时间: 05/15/2019
Effective Date: 05/15/2019

效力状态: 有效
Validity Status: Valid

中华人民共和国国务院令
第711号

现公布修订后的《中华人民共和国政府信息公开条例》，自2019年5月15日起施行。

总理 李克强
2019年4月3日

中华人民共和国政府信息公开条例
(2007年4月5日中华人民共和国国务院令 第492号公布 2019年4月3日中华人民共和国国务院令 第711号
修订)
第一章 总则

Order No. 711 of the State Council of the People's Republic of China

The revised Regulations of the People's Republic of China on Disclosure of Government Information is hereby promulgated and shall come into force on May 15, 2019.

Premier Li Keqiang

April 3, 2019

Regulations of the People's Republic of China on Disclosure of Government Information
(Promulgated by the Order No. 429 of the State Council of the People's Republic of China on April 5, 2007 and revised by the Order No. 711 of the State Council of the People's Republic of China on April 3, 2019)

Chapter 1: General Provisions

第一条 为了保障公民、法人和其他组织依法获取政府信息,提高政府工作的透明度,建设法治政府,充分发挥政府信息对人民群众生产、生活和经济社会活动的服务作用,制定本条例。

Article 1 These Regulations are formulated in order to ensure that citizens, legal persons and other organizations legally obtain government information, to enhance the transparency of the government work, to build the government based on rule of law and to give full play to government information in serving the people in production, daily living as well as social and economic activities.

第二条 本条例所称政府信息,是指行政机关在履行行政管理职能过程中制作或者获取的,以一定形式记录、保存的信息。

Article 2 For the purposes of these Regulations, the term "government information" shall mean the information prepared or obtained by administrative organs in the process of performance of administrative duties and functions and recorded and preserved in a certain form.

第三条 各级人民政府应当加强对政府信息公开工作的组织领导。

国务院办公厅是全国政府信息公开工作的主管部门,负责推进、指导、协调、监督全国的政府信息公开工作。

县级以上地方人民政府办公厅(室)是本行政区域的政府信息公开工作主管部门,负责推进、指导、协调、监督本行政区域的政府信息公开工作。

实行垂直领导的部门的办公厅(室)主管本系统的政府信息公开工作。

Article 3 The people's governments at all levels shall strengthen the organization and leadership of the disclosure of government information.

The General Office of the State Council is the department in charge of the disclosure of the government information nationwide and shall be responsible for promoting, guiding, coordinating and supervising the disclosure of the government information nationwide.

The general office of a local people's government at or above county level is the department in charge of the disclosure of the government information in the administrative region concerned and shall be responsible for promoting, guiding, coordinating and supervising the disclosure of government information in the administrative region concerned.

The general office of a department implementing vertical leadership system shall be in charge of the disclosure of the government information in the system concerned.

第四条 各级人民政府及县级以上人民政府部门应当建立健全本行政机关的政府信息公开工作制度,并指定机构(以下统称政府信息公开工作机构)负责本行政机关政府信息公开的日常工作。

政府信息公开工作机构的具体职能是:

- (一)办理本行政机关的政府信息公开事宜;
- (二)维护和更新本行政机关公开的政府信息;
- (三)组织编制本行政机关的政府信息公开指南、政府信息公开目录和政府信息公开工作年度报告;
- (四)组织开展对拟公开政府信息的审查;
- (五)本行政机关规定的与政府信息公开有关的其他职能。

Article 4 The people's governments at all levels and the departments of the people's governments at or above the county level shall establish and improve their respective government information disclosure system and designate agencies (hereinafter referred to as "government information disclosure agencies") to take charge of their respective administrative organs' day-to-day work in connection with the disclosure of government information.

Specific duties and functions of a government information disclosure agency include:

(1) Handling the matters concerning disclosure of the government information of the administrative organ;

(2) Maintaining and updating the government information disclosed by the administrative organ;

(3) Organizing the preparation of the guidelines for disclosure of government information, the catalogue of government information disclosure and annual work report on disclosure of government information by the administrative organ;

(4) Organizing the review for the government information to be disclosed; and

(5) Other duties and functions relating to the disclosure of government information as prescribed by the

administrative organ.

第五条 行政机关公开政府信息,应当坚持以公开为常态、不公开为例外,遵循公正、公平、合法、便民的原则。

Article 5 In disclosure of government information, administrative organs shall stick to disclosure as normal and nondisclosure as exception and accord with the principles of impartiality, fairness, legality and convenience for the public.

第六条 行政机关应当及时、准确地公开政府信息。

行政机关发现影响或者可能影响社会稳定、扰乱社会和经济管理秩序的虚假或者不完整信息的,应当发布准确的政府信息予以澄清。

Article 6 Administrative organs shall disclose government information in a timely and accurate manner.

Upon discovering any false or incomplete information affecting or likely to affect social stability or to disturb the order of social and economic management, the relevant administrative organ shall make clarification by releasing the relevant accurate government information.

第七条 各级人民政府应当积极推进政府信息公开工作,逐步增加政府信息公开的内容。

Article 7 People's governments at all levels shall actively push forward the work in connection with disclosure of government information and gradually increase the content of the disclosure of government information.

第八条 各级人民政府应当加强政府信息资源的规范化、标准化、信息化管理,加强互联网政府信息公开平台建设,推进政府信息公开平台与政务服务平台融合,提高政府信息公开在线办理水平。

Article 8 People's governments at all levels shall strengthen the normalized, standardized and information-based management of government information resources, strengthen the construction of the Internet-based government information disclosure platform, propel the integration of the government information disclosure platform and the government service platform and improve the level of online processing of government information disclosure.

第九条 公民、法人和其他组织有权对行政机关的政府信息公开工作进行监督,并提出批评和建议。

Article 9 Citizens, legal persons and other organizations shall have the right to supervise the work of administrative organs for disclosure of government information and present criticism and suggestions.

第二章 公开的主体和范围

Chapter 2: Subject and Scope of Disclosure

第十条 行政机关制作的政府信息,由制作该政府信息的行政机关负责公开。行政机关从公民、法人和其他组织获取的政府信息,由保存该政府信息的行政机关负责公开;行政机关获取的其他行政机关的政府信息,由制作或者最初获取该政府信息的行政机关负责公开。法律、法规对政府信息公开的权限另有规定的,从其规定。

行政机关设立的派出机构、内设机构依照法律、法规对外以自己名义履行行政管理职能的,可以由该派出机构、内设机构负责与所履行行政管理职能有关的政府信息公开工作。

两个以上行政机关共同制作的政府信息,由牵头制作的行政机关负责公开。

Article 10 Government information prepared by an administrative organ shall be disclosed by the administrative organ preparing such government information. The government information obtained by an

administrative organ from citizens, legal persons and other organizations shall be disclosed by the administrative organ preserving such government information; the government information obtained by an administrative organ from other administrative organs shall be disclosed by the administrative organ preparing or originally obtaining such government information. Where the authority for disclosing government information is otherwise provided for by laws and regulations, such provisions shall prevail.

A dispatched office or internal department of administrative organs, if externally performing administrative duties and functions in its own name in accordance with laws and regulations, may be responsible for disclosing the government information relating to the administrative duties and functions performed thereby.

The government information prepared by two or more administrative organs jointly shall be disclosed by the administrative organ taking the lead in the preparation.

第十一条 行政机关应当建立健全政府信息公开协调机制。行政机关公开政府信息涉及其他机关的,应当与有关机关协商、确认,保证行政机关公开的政府信息准确一致。

行政机关公开政府信息依照法律、行政法规和国家有关规定需要批准的,经批准予以公开。

Article 11 An administrative organ shall establish and improve a mechanism for coordinating the disclosure of government information. An administrative organ, if its disclosure of the government information involves another administrative organ, shall consult and confirm with the relevant administrative organ to ensure the accuracy and consistency of the government information disclosed by administrative organs.

Where the disclosure of government information by administrative organs is subject to approval according to laws, administrative regulations and relevant provisions of the State, the disclosure shall be made upon approval.

第十二条 行政机关编制、公布的政府信息公开指南和政府信息公开目录应当及时更新。

政府信息公开指南包括政府信息的分类、编排体系、获取方式和政府信息公开工作机构的名称、办公地址、办公时间、联系电话、传真号码、互联网联系方式等内容。

政府信息公开目录包括政府信息的索引、名称、内容概述、生成日期等内容。

Article 12 The guidelines for disclosure of government information and the catalogue of government information disclosure prepared or published by administrative organs shall be updated in a timely manner.

The guidelines for disclosure of government information shall include the classification, arrangement system and obtaining methods of government information, the names, office addresses, office hours, contact telephone and fax numbers and the Internet-based contact information of government information disclosure agencies, as well as other relevant content.

The catalogue of government Information disclosure shall include an index, name, summary of content, date on which information is generated and other relevant content of such government information.

第十三条 除本条例第十四条、第十五条、第十六条规定的政府信息外,政府信息应当公开。

行政机关公开政府信息,采取主动公开和依申请公开的方式。

Article 13 Government information other than that prescribed in Article 14, Article 15 and Article 16 hereof shall be disclosed.

Administrative organs shall disclose government information by way of disclosure on their own initiatives and disclosure upon application

第十四条 依法确定为国家秘密的政府信息,法律、行政法规禁止公开的政府信息,以及公开后可能危

及国家安全、公共安全、经济安全、社会稳定的政府信息,不予公开。

Article 14 The government information legally determined as the State's secrets, the government information prohibited to be disclosed under laws and administrative regulations and the government information of which the disclosure may endanger the national security, public security, economic security or social stability shall not be disclosed.

第十五条 涉及商业秘密、个人隐私等公开会对第三方合法权益造成损害的政府信息,行政机关不得公开。但是,第三方同意公开或者行政机关认为不公开会对公共利益造成重大影响的,予以公开。

Article 15 An administrative organ shall not disclose the government information involving trades secrets or personal privacy, etc. of which the disclosure will cause harm to the lawful rights and interests of any third party. However, such information shall be disclosed if the third party consents to the disclosure or if the administrative organ believes that non-disclosure will materially affect public interests.

第十六条 行政机关的内部事务信息,包括人事管理、后勤管理、内部工作流程等方面的信息,可以不予公开。

行政机关在履行行政管理职能过程中形成的讨论记录、过程稿、磋商信函、请示报告等过程性信息以及行政执法案卷信息,可以不予公开。法律、法规、规章规定上述信息应当公开的,从其规定。

Article 16 Information on the internal affairs of administrative organs, including the information on personnel management, logistics management, internal work process and other aspects, may not be disclosed.

The records of discussions, process drafts, consultation letters, instruction request reports and other process-related information formed by administrative organs during performance of administrative duties and functions as well as the information on administrative law enforcement case files may not be disclosed. However if disclosure of such information is required under the provisions of laws, regulations or rules, the provisions shall prevail.

第十七条 行政机关应当建立健全政府信息公开审查机制,明确审查的程序和责任。

行政机关应当依照《中华人民共和国保守国家秘密法》以及其他法律、法规和国家有关规定对拟公开的政府信息进行审查。

行政机关不能确定政府信息是否可以公开的,应当依照法律、法规和国家有关规定报有关主管部门或者保密行政管理部门确定。

Article 17 Administrative organs shall set up and improve the government information disclosure review mechanism and specify the procedures and responsibilities for the review.

Administrative organs shall, in accordance with the Law of the People's Republic of China on Guarding State Secrets as well as other laws, regulations and the relevant provisions of the State, review the government information to be disclosed.

If an administrative organ cannot determine whether or not the relevant government information may be disclosed, it shall, in accordance with laws, regulations and the relevant provisions of the State, report such matter to the relevant competent department or the secret-guarding administrative department for decision.

第十八条 行政机关应当建立健全政府信息管理动态调整机制,对本行政机关不予公开的政府信息进行定期评估审查,对因情势变化可以公开的政府信息应当公开。

Article 18 An administrative organ shall establish and improve the dynamic adjustment mechanism

for management of government information, evaluate and review the government information not disclosed by the administrative organ on regular basis and disclose the government information that may be disclosed due to change of circumstances.

第三章 主动公开

Chapter 3: Disclosure on their own Initiatives

第十九条 对涉及公众利益调整、需要公众广泛知晓或者需要公众参与决策的政府信息,行政机关应当主动公开。

Article 19 Administrative organs shall disclose on their own initiatives the government information involving adjustment to public interests, requiring the extensive awareness of the public or requiring the public participation for decision making.

第二十条 行政机关应当依照本条例第十九条的规定,主动公开本行政机关的下列政府信息:

- (一)行政法规、规章和规范性文件;
- (二)机关职能、机构设置、办公地址、办公时间、联系方式、负责人姓名;
- (三)国民经济和社会发展规划、专项规划、区域规划及相关政策;
- (四)国民经济和社会发展统计信息;
- (五)办理行政许可和其他对外管理服务事项的依据、条件、程序以及办理结果;
- (六)实施行政处罚、行政强制的依据、条件、程序以及本行政机关认为具有一定社会影响的行政处罚决定;
- (七)财政预算、决算信息;
- (八)行政事业性收费项目及其依据、标准;
- (九)政府集中采购项目的目录、标准及实施情况;
- (十)重大建设项目的批准和实施情况;
- (十一)扶贫、教育、医疗、社会保障、促进就业等方面的政策、措施及其实施情况;
- (十二)突发公共事件的应急预案、预警信息及应对情况;
- (十三)环境保护、公共卫生、安全生产、食品药品、产品质量的监督检查情况;
- (十四)公务员招考的职位、名额、报考条件等事项以及录用结果;
- (十五)法律、法规、规章和国家有关规定规定应当主动公开的其他政府信息。

Article 20 An administrative organ shall disclose on its own initiatives the following government information of the administrative organ in accordance with Article 19 hereof:

- (1) Administrative regulations, rules and regulatory documents;
- (2) Duties and functions, departmental setup, office address, office hours, contact information and name of the persons in charge of the organ;
- (3) National economic and social development plans, special planning, regional planning and the relevant policies;
- (4) Statistic information pertaining to national economy and social development;
- (5) Basis, conditions and procedures for handling administrative permits and other external management and service matters as well as the results of handling;
- (6) Basis, conditions and procedures for implementing administrative punishment and administrative enforcement as well as the administrative punishment decisions as deemed by the administrative organ to have certain social influence;
- (7) Information on fiscal budget and final accounts;
- (8) Items, basis and rates for charging administrative and institutional fees;

- (9) Catalogue, standards and the implementation of centralized government procurement projects;
- (10) Information on approval and implementation of major construction projects;
- (11) Policies and measures for poverty alleviation, education, medical care, social security, and employment promotion etc. and the implementation thereof;
- (12) Contingency plans for, information on early warning of and responses to, public emergencies;
- (13) Supervision and inspection of environmental protection, public health, work safety, food and drugs, and product quality;
- (14) Positions and number of the public servants to be recruited, conditions for applying for the positions and other relevant matters as well as the results of recruitment; and
- (15) Other government information that the administrative organ is required to disclose on its own initiatives in accordance with laws, regulations, rules and relevant provisions of the State.

第二十一条 除本条例第二十条规定的政府信息外,设区的市级、县级人民政府及其部门还应当根据本地方的具体情况,主动公开涉及市政建设、公共服务、公益事业、土地征收、房屋征收、治安管理、社会救助等方面的政府信息;乡(镇)人民政府还应当根据本地方的具体情况,主动公开贯彻落实农业农村政策、农田水利工程建设运营、农村土地承包经营权流转、宅基地使用情况审核、土地征收、房屋征收、筹资筹劳、社会救助等方面的政府信息。

Article 21 In addition to the government information prescribed in Article 20 hereof, the people's government at the level of city divided into districts or at county level and the departments thereof shall also, according to local specific situation, take the initiatives to disclose the government information involving municipal construction, public services, public-welfare undertakings, land expropriation, housing expropriation, public security management, social assistance and other aspects; township people's governments shall also, according to the local specific situation, take the initiatives to disclose the government information on implementation of the policies on agriculture and rural areas, construction and operation of farmland and water conservancy projects, circulation of contracted land operation right in rural areas, examination and verification of the use of homestead, land expropriation, housing expropriation, raising of funds and labor, social assistance and other aspects.

第二十二条 行政机关应当依照本条例第二十条、第二十一条的规定,确定主动公开政府信息的具体内容,并按照上级行政机关的部署,不断增加主动公开的内容。

Article 22 Administrative organs shall determine the specific content of the government information to be disclosed on their own initiatives in accordance with Article 20 and Article 21 hereof and constantly increase the content of such disclosure according to the arrangement of the administrative organs at higher levels.

第二十三条 行政机关应当建立健全政府信息发布机制,将主动公开的政府信息通过政府公报、政府网站或者其他互联网政务媒体、新闻发布会以及报刊、广播、电视等途径予以公开。

Article 23 Administrative organs shall establish and improve the government information release mechanism and disclose the government information to be disclosed on their own initiatives via government gazettes, government websites or other Internet-based government affairs media, press conferences, newspapers, periodicals, radio or television broadcasting or other channels.

第二十四条 各级人民政府应当加强依托政府门户网站公开政府信息的工作,利用统一的政府信息公开平台集中发布主动公开的政府信息。政府信息公开平台应当具备信息检索、查阅、下载等功能。

Article 24 People's governments at all levels shall strengthen the work of disclosing government

information by relying on portals of governments and make use of the unified government information disclosure platform to release on centralized basis the government information disclosed on their own initiatives. The government information disclosure platform shall have the functions such as information retrieval, consultation and downloading.

第二十五条 各级人民政府应当在国家档案馆、公共图书馆、政务服务场所设置政府信息查阅场所,并配备相应的设施、设备,为公民、法人和其他组织获取政府信息提供便利。

行政机关可以根据需要设立公共查阅室、资料索取点、信息公告栏、电子信息屏等场所、设施,公开政府信息。

行政机关应当及时向国家档案馆、公共图书馆提供主动公开的政府信息。

Article 25 The people's governments at all levels shall maintain sites equipped with appropriate facilities and equipment for consulting government information within national archives, public libraries and government service sites to facilitate the access of citizens, legal persons or other organizations to government information.

An administrative organ may, according to actual needs, establish public reading rooms, data access point, information bulletin boards, electronic information screens, and other places or facilities to disclose government information.

Administrative organs shall, in a timely manner, provide national archives and public libraries with government information disclosed on their own initiatives..

第二十六条 属于主动公开范围的政府信息,应当自该政府信息形成或者变更之日起20个工作日内及时公开。法律、法规对政府信息公开的期限另有规定的,从其规定。

Article 26 The government information falling within the scope of disclosure on their own initiatives shall be disclosed within 20 working days after the formulation or modification of such government information. If the time limit for the disclosure of such government information is otherwise provided for in laws and regulations, such provisions shall apply.

第四章 依申请公开

Chapter 4: Disclosure upon Application

第二十七条 除行政机关主动公开的政府信息外,公民、法人或者其他组织可以向地方各级人民政府、对外以自己名义履行行政管理职能的县级以上人民政府部门(含本条例第十条第二款规定的派出机构、内设机构)申请获取相关政府信息。

Article 27 Apart from the government information disclosed by administrative organs on their own initiatives, a citizen, legal person or other organization may apply to local people's governments at all levels and the departments of the people's governments at or above the county level that externally perform administrative duties and functions in their own names (including the dispatched offices and internal departments prescribed in Paragraph 2 of Article 10 hereof) for obtaining relevant government information.

第二十八条 本条例第二十七条规定的行政机关应当建立完善政府信息公开申请渠道,为申请人依法申请获取政府信息提供便利。

Article 28 Administrative organs stated in Article 27 hereof shall set up and improve the channels for applying for disclosure of government information and provide convenience for applicants to apply for access to government information in accordance with the law.

第二十九条 公民、法人或者其他组织申请获取政府信息的,应当向行政机关的政府信息公开工作机

构提出,并采用包括信件、数据电文在内的书面形式;采用书面形式确有困难的,申请人可以口头提出,由受理该申请的政府信息公开工作机构代为填写政府信息公开申请。

政府信息公开申请应当包括下列内容:

- (一)申请人的姓名或者名称、身份证明、联系方式;
- (二)申请公开的政府信息的名称、文号或者便于行政机关查询的其他特征性描述;
- (三)申请公开的政府信息的形式要求,包括获取信息的方式、途径。

Article 29 A citizen, legal person or other organization applying for access to government information shall file application with the government information disclosure agency of the administrative organ in written form including letter and data message; if it is difficult to file an application in written form, the applicant may file a verbal application, and the government information disclosure agency that accepts such application shall fill out the application for the disclosure of government information on the applicant's behalf.

An application for disclosure of government information shall include the following contents:

- (1) Applicant's name, identity certificate and contact information;
- (2) Name, document number and other characteristic descriptions facilitating the search by government organs of the government information under application for disclosure; and
- (3) Requirements on the form of the government information under application for disclosure, including the methods and channels for access to the information.

第三十条 政府信息公开申请内容不明确的,行政机关应当给予指导和释明,并自收到申请之日起7个工作日内一次性告知申请人作出补正,说明需要补正的事项和合理的补正期限。答复期限自行政机关收到补正的申请之日起计算。申请人无正当理由逾期不补正的,视为放弃申请,行政机关不再处理该政府信息公开申请。

Article 30 If the content of the application for disclosure of government information is not clear, the administrative organ shall provide instruction and clarification and notify on one-time basis the applicant of the supplement and correction to be made within seven working days from the date of receipt of the application specifying the matters to be supplemented and corrected and the reasonable time limit for the supplement and correction. The time limit for reply shall be calculated from the date of receipt of the supplemented and corrected application by the administrative organ. The applicant that fails to make the supplement and correction within the time limit without justification shall be deemed as waiving the application and the administrative organ shall no longer process such application for disclosure of government information.

第三十一条 行政机关收到政府信息公开申请的时间,按照下列规定确定:

- (一)申请人当面提交政府信息公开申请的,以提交之日为收到申请之日;
- (二)申请人以邮寄方式提交政府信息公开申请的,以行政机关签收之日为收到申请之日;以平常信函等无需签收的邮寄方式提交政府信息公开申请的,政府信息公开工作机构应当于收到申请的当日与申请人确认,确认之日为收到申请之日;
- (三)申请人通过互联网渠道或者政府信息公开工作机构的传真提交政府信息公开申请的,以双方确认之日为收到申请之日。

Article 31 The time when an administrative organ receives an application for disclosure of government information shall be determined according to the following provision:

- (1) Where the applicant submits the application for disclosure of government information in person, the date of submission shall be the date of receipt of the application;
- (2) Where the applicant submits the application for disclosure of government information by post, the

date of signing for receipt by the administrative organ shall be the date of receipt of the application; where the applicant submits the application for disclosure of government information through ordinary letter or any other method not requiring signing for receipt, the government information disclosure agency shall confirm with the applicant on the date of receiving the application and the date of confirmation shall be the date of receipt of the application; and

(3) Where the applicant submits the application for disclosure of government information via the channel of the Internet or the fax of the government information disclosure agency, the date of confirmation by both parties shall be the date of receipt of the application.

第三十二条 依申请公开的政府信息公开会损害第三方合法权益的,行政机关应当书面征求第三方的意见。第三方应当自收到征求意见书之日起15个工作日内提出意见。第三方逾期未提出意见的,由行政机关依照本条例的规定决定是否公开。第三方不同意公开且有合理理由的,行政机关不予公开。行政机关认为不公开可能对公共利益造成重大影响的,可以决定予以公开,并将决定公开的政府信息内容和理由书面告知第三方。

Article 32 Where the disclosure of the information to be disclosed upon application will harm the lawful rights and interests of a third party, the administrative organ shall solicit the opinions of the third party in writing. The third party shall present opinions within 15 working days after receiving the written solicitation of opinions. Where the third party fails to present opinions within the prescribed time limit, the administrative organ shall decide whether to disclose the information in accordance with these Regulations. If the third party does not consent to the disclosure with justification, the administrative organ shall not disclose the information. The administrative organ, if believing the non-disclosure may materially affect the public interests, may decide to disclose the information and notify in writing the third party of the content of the government information decided to be disclosed and the reasons for the disclosure.

第三十三条 行政机关收到政府信息公开申请,能够当场答复的,应当当场予以答复。

行政机关不能当场答复的,应当自收到申请之日起20个工作日内予以答复;需要延长答复期限的,应当经政府信息公开工作机构负责人同意并告知申请人,延长的期限最长不得超过20个工作日。

行政机关征求第三方和其他机关意见所需时间不计算在前款规定的期限内。

Article 33 An administrative organ shall give a reply immediately, if possible, upon receiving an application for the disclosure of government information.

If the administrative organ cannot reply immediately, it shall provide reply within 20 working days after receiving the application. If extension of the said time limit is required, it shall be subject to the approval by the person in charge of the government information disclosure agency and shall be notified to the applicant. The maximum period of extension shall not exceed 20 working days.

The time required for the administrative organ to solicit opinions from any third party and other organs shall not be included in the time limit specified in the preceding paragraph.

第三十四条 申请公开的政府信息由两个以上行政机关共同制作的,牵头制作的行政机关收到政府信息公开申请后可以征求相关行政机关的意见,被征求意见机关应当自收到征求意见书之日起15个工作日内提出意见,逾期未提出意见的视为同意公开。

Article 34 Where the government information under application for disclosure is prepared jointly by two or more administrative organs, the administrative organ taking the lead in preparation may, after receiving the application for disclosure of government information, solicit the opinions from relevant administrative organs which shall present opinions within 15 working days after receipt of the written solicitation of opinions and shall be deemed as consenting to the disclosure if failing to present opinions

within the specified time limit.

第三十五条 申请人申请公开政府信息的数量、频次明显超过合理范围,行政机关可以要求申请人说明理由。行政机关认为申请理由不合理的,告知申请人不予处理;行政机关认为申请理由合理,但是无法在本条例第三十三条规定的期限内答复申请人的,可以确定延迟答复的合理期限并告知申请人。

Article 35 Where an applicant applies for disclosure of government information in the quantity or frequency obviously beyond reasonable scope, the administrative organ may require the applicant to explain the reason. If the administrative organ believes that the application is not justified, it shall notify the applicant of its refusal to handle the application; if the administrative organ believes that the application is justified but it cannot provide reply to the applicant within the time limit specified in Article 33 hereof, it may determine reasonable time limit for the postponement of the reply and notify the applicant thereof.

第三十六条 对政府信息公开申请,行政机关根据下列情况分别作出答复:

- (一)所申请公开信息已经主动公开的,告知申请人获取该政府信息的方式、途径;
- (二)所申请公开信息可以公开的,向申请人提供该政府信息,或者告知申请人获取该政府信息的方式、途径和时间;
- (三)行政机关依据本条例的规定决定不予公开的,告知申请人不予公开并说明理由;
- (四)经检索没有所申请公开信息的,告知申请人该政府信息不存在;
- (五)所申请公开信息不属于本行政机关负责公开的,告知申请人并说明理由;能够确定负责公开该政府信息的行政机关的,告知申请人该行政机关的名称、联系方式;
- (六)行政机关已就申请人提出的政府信息公开申请作出答复、申请人重复申请公开相同政府信息的,告知申请人不予重复处理;
- (七)所申请公开信息属于工商、不动产登记资料等信息,有关法律、行政法规对信息的获取有特别规定的,告知申请人依照有关法律、行政法规的规定办理。

Article 36 With respect to government information under application for disclosure, the relevant administrative organ shall make a reply respectively according to the following circumstances:

- (1) Inform the applicant of the method and approach of obtaining the relevant government information if the information under application for disclosure has been disclosed on its own initiatives;
- (2) Provide the applicant with the government information or notifying the applicant of the methods, approach and time for obtaining the government information if the government information under application for disclosure can be disclosed;
- (3) Inform the applicant of its decision not to make disclosure and state the reasons therefor if the administrative organ decides not to disclose the government information in accordance with these Regulations;
- (4) Inform the applicant of nonexistence of the government information if the search fails to find the information under application for disclosure;
- (5) Inform, if the government information under application for disclosure is not under the responsibility of the administrative organ for disclosure, the applicant thereof and state reasons therefor; inform the applicant of the name and contact information of the administrative organ responsible for disclosing such government information if such administrative organ can be determined;
- (6) Inform the applicant of refusal to handle repetitively if the administrative organ has replied to the application of the applicant for disclosure of the government information or the applicant repetitively applies for disclosure of the same government information; and
- (7) Advise the applicant to handle in accordance with relevant laws and administrative regulations if

the information under application for disclosure falls under the information such as data of industrial and commercial registration and real estate registration and relevant laws and administrative regulations contain special provisions on the access thereto.

第三十七条 申请公开的信息中含有不应当公开或者不属于政府信息的内容,但是能够作区分处理的,行政机关应当向申请人提供可以公开的政府信息内容,并对不予公开的内容说明理由。

Article 37 Where the information under application for disclosure contains any content that shall not be disclosed or does not fall within government information but is separable, the relevant administrative organ shall provide the applicant with the part of the government information that is allowed to be disclosed and provide an explanation of the reasons regarding the content not disclosed.

第三十八条 行政机关向申请人提供的信息,应当是已制作或者获取的政府信息。除依照本条例第三十七条的规定能够作区分处理的外,需要行政机关对现有政府信息进行加工、分析的,行政机关可以不予提供。

Article 38 The information provided by administrative organs to applicants shall be the government information already prepared or obtained. Except for the government information that is separable as prescribed in Article 37 hereof, if an administrative organ is required to process or analyze the existing government information, it may refuse to provide the information.

第三十九条 申请人以政府信息公开申请的形式进行信访、投诉、举报等活动,行政机关应当告知申请人不作为政府信息公开申请处理并可以告知通过相应渠道提出。

申请人提出的申请内容为要求行政机关提供政府公报、报刊、书籍等公开出版物的,行政机关可以告知获取的途径。

Article 39 Where the applicant conducts the activities such as filing petition, complaint or report on violations in the form the application for disclosure of government information, the administrative organ shall advise the applicant that such activity shall not be treated as the application for disclosure of government information for handling and may advise the applicant to raise the same through corresponding channels.

If, in the application, the applicant requires the administrative organ to provide any government gazettes, newspapers, periodicals, books and any other public publications, the administrative organ may inform the applicant of the channels for obtaining the same.

第四十条 行政机关依申请公开政府信息,应当根据申请人的要求及行政机关保存政府信息的实际情况,确定提供政府信息的具体形式;按照申请人要求的形式提供政府信息,可能危及政府信息载体安全或者公开成本过高的,可以通过电子数据以及其他适当形式提供,或者安排申请人查阅、抄录相关政府信息。

Article 40 In disclosing government information upon application, an administrative organ shall determine the specific form for providing the government information in light of the requirements of the applicant and the actual situation of the preservation of government information by the administrative organ; if the supply of the government information in the form required by the applicant may endanger the security of the government information carrier or results in excessively high cost of disclosure, the administrative organ may supply the information in the form of electronic data and other appropriate forms or arrange for the applicant to consult or make a copy of relevant government information.

第四十一条 公民、法人或者其他组织有证据证明行政机关提供的与其自身相关的政府信息记录不准确的,可以要求行政机关更正。有权更正的行政机关审核属实的,应当予以更正并告知申请人;不属于本行政机关职能范围的,行政机关可以转送有权更正的行政机关处理并告知申请人,或者告知申请人向有权更正的行政机关提出。

Article 41 If citizens, legal persons or other organizations have evidence showing that certain government information relating to themselves, as provided by an administrative organ, is not accurate, they may require the administrative organ to make correction. If the administrative organ with power to make such correction verifies the same to be true, it shall make the correction and notify the applicant thereof; if the correction does not fall within the scope of duties and functions of the administrative organ, the administrative organ may transfer the same to the administrative organ with power to make the correction to handle and notify the applicant thereof or advise the applicant to file the request with the administrative organ with power to make the correction..

第四十二条 行政机关依申请提供政府信息,不收取费用。但是,申请人申请公开政府信息的数量、频次明显超过合理范围的,行政机关可以收取信息处理费。

行政机关收取信息处理费的具体办法由国务院价格主管部门会同国务院财政部门、全国政府信息公开工作主管部门制定。

Article 42 An administrative organ shall not charge any fee for providing government information upon application. However, if the applicant applies for disclosure of government information in the quantity or frequency obviously beyond the reasonable scope, the administrative organ may charge information processing fee.

Specific measures for administrative organs to charge information processing fee shall be formulated by the competent price department of the State Council in conjunction with the State Council's department of finance and the department in charge of government information disclosure nationwide.

第四十三条 申请公开政府信息的公民存在阅读困难或者视听障碍的,行政机关应当为其提供必要的帮助。

Article 43 If a citizen applying for disclosure of government information has difficulty in reading or trouble in hearing or seeing, the relevant administrative organ shall provide necessary assistance to such citizen.

第四十四条 多个申请人就相同政府信息向同一行政机关提出公开申请,且该政府信息属于可以公开的,行政机关可以纳入主动公开的范围。

对行政机关依申请公开的政府信息,申请人认为涉及公众利益调整、需要公众广泛知晓或者需要公众参与决策的,可以建议行政机关将该信息纳入主动公开的范围。行政机关经审核认为属于主动公开范围的,应当及时主动公开。

Article 44 Where several applicants apply to the same administrative organ for disclosure of same government information and such government information is allowed to be disclosed, the administrative organ may include the government information in the scope of disclosure on its own initiatives.

If the applicant believes that government information under application for disclosure involves adjustment to public interests or requires the extensive awareness of the public or requires the public participation for decision making, the applicant may suggest the administrative organ for including such information in the scope of disclosure on the initiatives of the administrative organ. The administrative organ shall take the initiatives to disclose the information in a timely manner if finding, upon examination and verification, the information to fall within the scope of disclosure on its own initiatives.

第四十五条 行政机关应当建立健全政府信息公开申请登记、审核、办理、答复、归档的工作制度,加强工作规范。

Article 45 An administrative organ shall establish and improve the work system for registering, reviewing, processing, replying to and archiving the applications for disclosure of government information

and strengthen the specification of work.

第五章 监督和保障

Chapter 5: Supervision and Guarantee

第四十六条 各级人民政府应当建立健全政府信息公开工作考核制度、社会评议制度和责任追究制度,定期对政府信息公开工作进行考核、评议。

Article 46 The people's governments at all levels shall establish and improve the assessment system, social appraisal system and accountability system for the work on disclosure of government information to assess and appraise the work relating to government information disclosure on a regular basis.

第四十七条 政府信息公开工作主管部门应当加强对政府信息公开工作的日常指导和监督检查,对行政机关未按照要求开展政府信息公开工作的,予以督促整改或者通报批评;需要对负有责任的领导人员和直接责任人员追究责任的,依法向有权机关提出处理建议。

公民、法人或者其他组织认为行政机关未按照要求主动公开政府信息或者对政府信息公开申请不依法答复处理的,可以向政府信息公开工作主管部门提出。政府信息公开工作主管部门查证属实的,应当予以督促整改或者通报批评。

Article 47 The department in charge of the disclosure of government information shall strengthen the routine guidance, supervision and inspection of the disclosure of government information, urge any administrative organ that fails to conduct the work for disclosure of government information as required to make rectification or circulate a notification of criticism of such administrative organ; if the leading personnel who are responsible and the persons who are directly liable need to be held accountable, proposals on disposal shall be presented to the competent organ in accordance with the law.

A citizen, legal person or other organization, if believing that the administrative organ fails to take the initiatives to disclose government information as required or fails to reply to the application for disclosure of government information in accordance with the law, may report the same to the department in charge of the disclosure of government information. The department in charge of the disclosure of government information, if verifying the same to be true, shall urge the administrative organ to make rectification and circulate a notification of criticism.

第四十八条 政府信息公开工作主管部门应当对行政机关的政府信息公开工作人员定期进行培训。

Article 48 The department in charge of the disclosure of government information shall conduct regular training of the personnel working on disclosure of government information of administrative organs.

第四十九条 县级以上人民政府部门应当在每年1月31日前向本级政府信息公开工作主管部门提交本行政机关上一年度政府信息公开工作年度报告并向社会公布。

县级以上地方人民政府的政府信息公开工作主管部门应当在每年3月31日前向社会公布本级政府上一年度政府信息公开工作年度报告。

Article 49 A department of the people's government at or above the county level shall, before January 31 each year, submit to the department in charge of the disclosure of government information at the same level the annual report on the work of the administrative organ relating to the disclosure of government information in the last year and release the same to the public.

The department in charge of the disclosure of government information of the local people's government at or above the county level shall, before March 31 each year, release the annual report on the disclosure

of government information by the government at the same level in the last year.

第五十条 政府信息公开工作年度报告应当包括下列内容:

- (一)行政机关主动公开政府信息的情况;
 - (二)行政机关收到和处理政府信息公开申请的情况;
 - (三)因政府信息公开工作被申请行政复议、提起行政诉讼的情况;
 - (四)政府信息公开工作存在的主要问题及改进情况,各级人民政府的政府信息公开工作年度报告还应当包括工作考核、社会评议和责任追究结果情况;
 - (五)其他需要报告的事项。
- 全国政府信息公开工作主管部门应当公布政府信息公开工作年度报告统一格式,并适时更新。

Article 50 The annual report on the disclosure of government information shall include the following content:

- (1) Disclosure of government information by the administrative organ on its own initiatives;
- (2) Information on receipt and handling of the applications for disclosure of government information by the administrative organ;
- (3) Information on the application for administrative review filed and administrative litigation initiated against the administrative organ due to the work relating to disclosure of government information;
- (4) Main problems existing with the work relating to disclosure of government information and the improvement of the work; the annual report on the disclosure of government information by the people's government at all levels shall also include the results of work assessment, social appraisal and accountability; and
- (5) Other matters that need to be reported.

The department in charge of the disclosure of government information nationwide shall publish the unified format of the annual report on the disclosure of government information and update the same when appropriate.

第五十一条 公民、法人或者其他组织认为行政机关在政府信息公开工作中侵犯其合法权益的,可以向上一级行政机关或者政府信息公开工作主管部门投诉、举报,也可以依法申请行政复议或者提起行政诉讼。

Article 51 Citizens, legal persons or other organizations, if believing that the administrative organ infringes upon their lawful rights and interests in the work of government information disclosure, may file complaint or report on the infringement to the administrative organ at the next higher level or the department in charge of the disclosure of government information or may apply for administrative review or initiate administrative lawsuit in accordance with the law.

第五十二条 行政机关违反本条例的规定,未建立健全政府信息公开有关制度、机制的,由上一级行政机关责令改正;情节严重的,对负有责任的领导人员和直接责任人员依法给予处分。

Article 52 Where an administrative organ, in violation of the provisions hereof, fails to establish and improve relevant system or mechanism for disclosure of government information, the administrative organ at the next higher level shall order it to make correction and, if circumstances are serious, impose disciplinary sanction on the leaders who are responsible and the persons who are directly liable in accordance with the law.

第五十三条 行政机关违反本条例的规定,有下列情形之一的,由上一级行政机关责令改正;情节严重的,对负有责任的领导人员和直接责任人员依法给予处分;构成犯罪的,依法追究刑事责任:

- (一)不依法履行政府信息公开职能;

- (二) 不及时更新公开的政府信息内容、政府信息公开指南和政府信息公开目录;
- (三) 违反本条例规定的其他情形。

Article 53 Where an administrative organ, in violation of the provisions hereof, is involved in any of the following circumstances, the administrative organ at the next higher level shall order it to make correction and, if circumstances are serious, impose disciplinary sanction on the leaders who are responsible and the persons who are directly liable in accordance with the law; if the violation constitutes a criminal offense, criminal liability shall be imposed in accordance with the law:

(1) Failing to perform the duties and functions for disclosure of government information in accordance with the law;

(2) Failing to update in a timely manner the content of government information, the guidelines for disclosure of government information and the catalogue of government information disclosure; and

(3) Other circumstances in violation of these Regulations;

第六章 附则

Chapter 6: Supplementary Provisions

第五十四条 法律、法规授权的具有管理公共事务职能的组织公开政府信息的活动,适用本条例。

Article 54 These Regulations shall apply to the activities of the organizations with the duties and functions for management of public affairs as authorized by laws and regulations in disclosure of government information.

第五十五条 教育、卫生健康、供水、供电、供气、供热、环境保护、公共交通等与人民群众利益密切相关的公共企事业单位,公开在提供社会公共服务过程中制作、获取的信息,依照相关法律、法规和国务院有关主管部门或者机构的规定执行。全国政府信息公开工作主管部门根据实际需要可以制定专门的规定。

前款规定的公共企事业单位未依照相关法律、法规和国务院有关主管部门或者机构的规定公开在提供社会公共服务过程中制作、获取的信息,公民、法人或者其他组织可以向有关主管部门或者机构申诉,接受申诉的部门或者机构应当及时调查处理并将处理结果告知申诉人。

Article 55 The public enterprises and institutions closely relating to the interests of the people such as those of education, healthcare, water supply, power supply, gas supply, heat supply, environmental protection and public transport shall comply with relevant laws, regulations and the provisions of relevant competent departments or institutions under the State Council in disclosing the information prepared or obtained in the process of supplying social and public services. The department in charge of the disclosure of government information nationwide may formulate special provisions according to actual need.

Where any of the public enterprises or institutions stated in the preceding paragraph fails to disclose the information prepared or obtained in the process of supplying social and public services as required under the laws, regulations and provisions of relevant competent departments or institutions under the State Council, a citizen, legal person or other organization may file petition with relevant competent department or institution and the department or institution accepting the petition shall handle the petition in a timely manner and inform the petitioner of the results of the handling.

第五十六条 本条例自2019年5月15日起施行。

Article 56 These Regulations shall come into force on May 15, 2019

EXHIBIT 5

Criminal Law of the People's Republic of China (2020 Amendment Pkulaw Version)

中华人民共和国刑法 (2020 修正)

Area of Law : [Criminal Law](#) [Criminal Syndicate Combat](#) [Cyber Crime](#)

Level of Authority : [Laws](#)

Date issued : 12-26-2020

Effective Date : 03-01-2021

Issuing Authority : [National People's Congress](#)

Status : [Effective](#)

[Criminal Law](#) of the People's Republic of China

(Adopted by the Second Session of the Fifth National People's Congress on July 1, 1979 and amended by the Fifth Session of the Eighth National People's Congress on March 14, 1997. According to the [NPC Standing Committee's Decision Concerning Punishment of Criminal Offenses Involving Fraudulent Purchase](#) on December 29, 1998, [Amendment to the Criminal Law](#) of the People's Republic of China on December 25, 1999, [Amendment \(II\) to the Criminal Law](#) of the People's Republic of China on August 31, 2001, [Amendment \(III\) to the Criminal Law](#) of the People's Republic of China on December 29, 2001, [Amendment \(IV\) to the Criminal Law](#) of the People's Republic of China on December 28, 2002, [Amendment \(V\) to the Criminal Law](#) of the People's Republic of China on February 28, 2005, [Amendment \(VI\) to the Criminal Law](#) of the People's Republic of China on June 29, 2006, [Amendment \(VII\) to the Criminal Law](#) of the People's Republic of China on February 28, 2009, [Decision of the Standing Committee of the National People's Congress on Amending Some Laws](#) on August 27, 2009, [Amendment \(VIII\) to the Criminal Law](#) of the People's Republic of China on February 25, 2011, [Amendment \(IX\) to the Criminal Law](#) of the People's Republic of China on August 29, 2015, [Amendment \(X\) to the Criminal Law](#) of the People's Republic of China on November 4, 2017, and [Amendment \(XI\) to the Criminal Law](#) of the People's Republic of China on December 26, 2020.)

中华人民共和国刑法

(1979 年 7 月 1 日第五届全国人民代表大会第二次会议通过 1997 年 3 月 14 日第八届全国人民代表大会第五次会议修订 根据 1998 年 12 月 29 日《[全国人民代表大会常务委员会关于惩治骗购外汇、逃汇和非法买卖外汇犯罪的决定](#)》、1999 年 12 月 25 日《[中华人民共和国刑法修正案](#)》、2001 年 8 月 31 日《[中华人民共和国刑法修正案\(二\)](#)》、2001 年 12 月 29 日《[中华人民共和国刑法修正案\(三\)](#)》、2002 年 12 月 28 日《[中华人民共和国刑法修正案\(四\)](#)》、2005 年 2 月 28 日《[中华人民共和国刑法修正案\(五\)](#)》、2006 年 6 月 29 日《[中华人民共和国刑法修正案\(六\)](#)》、2009 年 2 月 28 日《[中华人民共和国刑法修正案\(七\)](#)》、2009 年 8 月 27 日《[全国人民代表大会常务委员会关于修改部分法律的决定](#)》、2011 年 2 月 25 日《[中华人民共和国刑法修正案\(八\)](#)》、2015 年 8 月 29 日《[中华人民共和国刑法修正案\(九\)](#)》、2017 年 11 月 4 日《[中华人民共和国刑法修正案\(十\)](#)》、2020 年 12 月 26 日《[中华人民共和国刑法修正案\(十一\)](#)》修正)

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Chapter I Tasks, Basic Principles, and Scope of Application of the Criminal Law	第一章 刑法的任务、基本原则和适用范围
Article 1 . This law is formulated in accordance with the Constitution and in light of the concrete experience of China launching a struggle against crime and the realities in	第一条 【立法宗旨】为了惩罚犯罪，保护人民，根据宪法，结合我国同犯

the country, with a view to punishing crime and protecting the people.

Article 2 . The tasks of the PRC [Criminal Law](#) are to use punishment struggle against all criminal acts to defend national security, the political power of the people's democratic dictatorship, and the socialist system; to protect state-owned property and property collectively owned by the laboring masses; to protect citizens' privately owned property; to protect citizens' right of the person, democratic rights, and other rights; to maintain social and economic order; and to safeguard the smooth progress of the cause of socialist construction.

Article 3 . Any act deemed by explicit stipulations of law as a crime is to be convicted and given punishment by law and any act that no explicit stipulations of law deems a crime is not to be convicted or given punishment.

Article 4 . Every one is equal before the law in committing crime. No one is permitted to have privileges to transgress the law.

Article 5 . The severity of punishments must be commensurate with the crime committed by an offender and the criminal responsibility he bears.

Article 6 . This law is applicable to all who commit crimes within the territory of the PRC except as specially stipulated by law.

This law is also applicable to all who commit crimes aboard a ship or aircraft of the PRC.

When either the act or consequence of a crime takes place within PRC territory, a crime is deemed to have been committed within PRC territory.

Article 7 . This law is applicable to PRC citizens who commit the crimes specified in this law outside the territory of the PRC; but those who commit the crimes carrying a maximum sentence of less than three-year imprisonment as stipulated in this law may be exempt from prosecution.

This law is applicable to PRC state personnel and military personnel who commit the crimes specified in this law outside PRC territory.

Article 8 . This law may be applicable to foreigners, who outside PRC territory, commit crimes against the PRC state or against its citizens, provided that this law stipulates a minimum sentence of not less than a three-year fixed term of imprisonment

罪作斗争的具体 经验及实际情况，制定本法。

第二条 【本法任务】 [中华人民共和国刑法](#)的任务，是用刑罚同一切犯罪行为作斗争，以保卫国家安全，保卫人民民主专政的政权和社会主义制度，保护国有财产和劳动群众集体所有的财产，保护公民私人所有的财产，保护公民的人身权利、民主权利和其他权利，维护社会秩序、经济秩序，保障社会主义建设事业的顺利进行。

第三条 【罪刑法定】 法律明文规定为犯罪行为的，依照法律定罪处刑；法律没有明文规定为犯罪行为的，不得定罪处刑。

第四条 【适用刑法人人平等】 对任何人犯罪，在适用法律上一律平等。不允许任何人有超越法律的特权。

第五条 【罪责刑相适应】 刑罚的轻重，应当与犯罪分子所犯罪行和承担的刑事责任相适应。

第六条 【属地管辖权】 凡在中华人民共和国领域内犯罪的，除法律有特别规定的以外，都适用本法。

凡在中华人民共和国船舶或者航空器内犯罪的，也适用本法。

犯罪的行为或者结果有一项发生在中华人民共和国领域内的，就认为是在中华人民共和国领域内犯罪。

第七条 【属人管辖权】 中华人民共和国公民在中华人民共和国领域外犯本法规定之罪的，适用本法，但是按本法规定的最高刑为三年以下有期徒刑的，可以不予追究。

中华人民共和国国家工作人员和军人在中华人民共和国领域外犯本法规定之罪的，适用本法。

第八条 【保护管辖权】 外国人在中华人民共和国领域外对中华人民共和国国家或者公民犯罪，而按本法规定

for such crimes; but an exception is to be made if a crime is not punishable according to the law of the place where it was committed.

Article 9 . This law is applicable to the crimes specified in international treaties to which the PRC is a signatory state or with which it is a member and the PRC exercises criminal jurisdiction over such crimes within its treaty obligations.

Article 10 . Any person who commits a crime outside PRC territory and according to this law bear criminal responsibility may still be dealt with according to this law even if he has been tried in a foreign country; however, a person who has already received criminal punishment in a foreign country may be exempted from punishment or given a mitigated punishment.

Article 11 . The problem of criminal responsibility of foreigners who enjoy diplomatic privileges and immunity is to be resolved through diplomatic channels.

Article 12 . If an act committed after the founding of the PRC and before the implementation of this law was not deemed a crime under the laws at that time, the laws at that time are to be applicable. If the act was deemed a crime under the laws at that time, and if under the provisions of Chapter IV, Section 8 of the general provisions of this law it should be prosecuted, criminal responsibility is to be investigated according to the laws at that time. However, if this law does not deem it a crime or imposes a lesser punishment, this law is to be applicable.

The effective judgments that were made according to the laws at that time before the implementation of this law will continue to be in force.

Chapter II Crimes

Section 1 . Crimes and Criminal Responsibility

Article 13 . All acts that endanger the sovereignty, territorial integrity, and security of the state; split the state; subvert the political power of the people's democratic dictatorship and overthrow the socialist system; undermine social and economic order; violate property owned by the state or property collectively owned by the laboring masses; violate citizens' privately owned property; infringe upon citizens' rights of the person, democratic rights, and other rights; and other acts that endanger society, are crimes if according to law they should be criminally punished. However, if the circumstances are clearly minor and the harm is not great, they are not to be deemed crimes.

的最低刑为三年以上有期徒刑的，可以适用本法，但是按照犯罪地的法律不受处罚的除外。

第九条 【普遍管辖权】对于中华人民共和国缔结或者参加的国际条约所规定的罪行，中华人民共和国在所承担条约义务的范围内行使刑事管辖权的，适用本法。

第十条 【对外国刑事判决的消极承认】凡在中华人民共和国领域外犯罪，依照本法应当负刑事责任的，虽然经过外国审判，仍然可以依照本法追究，但是在外国已经受过刑罚处罚的，可以免除或者减轻处罚。

第十一条 【外交代表刑事管辖豁免】享有外交特权和豁免权的外国人的刑事责任，通过外交途径解决。

第十二条 【刑法溯及力】中华人民共和国成立以后本法施行以前的行为，如果当时的法律不认为是犯罪的，适用当时的法律；如果当时的法律认为是犯罪的，依照本法总则第四章第八节的规定应当追诉的，按照当时的法律追究刑事责任，但是如果本法不认为是犯罪或者处刑较轻的，适用本法。

本法施行以前，依照当时的法律已经作出的生效判决，继续有效。

第二章 犯罪

第一节 犯罪和刑事责任

第十三条 【犯罪概念】一切危害国家主权、领土完整和安全，分裂国家、颠覆人民民主专政的政权和推翻社会主义制度，破坏社会秩序和经济秩序，侵犯国有财产或者劳动群众集体所有的财产，侵犯公民私人所有的财产，侵犯公民的人身权利、民主权利和其他权利，以及其他危害社会的行为，依照法律应当受刑罚处罚的，都是犯罪，但是情节显著轻微危害不大的，不认为是犯罪。

Article 14 . An intentional crime is a crime constituted as a result of clear knowledge that one's own act will cause socially dangerous consequences, and of hope for or indifference to the occurrence of those consequences.

Criminal responsibility shall be borne for intentional crimes.

Article 15 . A negligent crime occurs when one should foresee that one's act may cause socially dangerous consequences but fails to do so because of carelessness or, having foreseen the consequences, readily assumes he can prevent them, with the result that these consequences occur.

Criminal responsibility is to be borne for negligent crimes only when the law so stipulates.

Article 16 . Although an act objectively creates harmful consequences, if it does not result from intent or negligence but rather stems from irresistible or unforeseeable causes, it is not a crime.

Article 17 . Where a person who has attained the age of 16 commits a crime, the person shall assume criminal liability.

Where a person who has attained the age of 14 but under the age of 16 commits a crime of intentional homicide, intentional infliction of bodily harm which has resulted in a serious injury to or death of another person, rape, robbery, drug trafficking, arson, explosion, or adding or releasing hazardous substances, the person shall assume criminal liability.

Where a person who has attained the age of 12 but under the age of 14 commits a crime of intentional homicide or intentional infliction of bodily harm, which has resulted in the death of another person or the serious disability of another person for the serious injury inflicted by especially cruel means, and the circumstances are execrable, the person shall assume criminal liability with the Supreme People's Procuratorate's affirmation of prosecution.

A person under the age of 18 who is held criminally liable in accordance with the provisions of the preceding three paragraphs shall be given a lighter or mitigated punishment.

Where a person is not given a criminal punishment because he or she has not attained the age of 16, his or her parents or any other guardian shall be ordered to discipline him or her; and when necessary, the person shall be subjected to specialized correctional education in accordance with the law.

Article 17 (I) :A person attaining the age of 75 may be given a lighter or mitigated penalty if he commits an intentional crime; or shall be given a lighter or mitigated

第十四条

【故意犯罪】明知自己的行为会发生危害社会的结果，并且希望或者放任这种结果发生，因而构成犯罪的，是故意犯罪。

故意犯罪，应当负刑事责任。

第十五条 【过失犯罪】应当预见自己的行为可能发生危害社会的结果，因为疏忽大意而没有预见，或者已经预见而轻信能够避免，以致发生这种结果的，是过失犯罪。

过失犯罪，法律有规定的才负刑事责任。

第十六条 【不可抗力和意外事件】行为在客观上虽然造成了损害结果，但是不是出于故意或者过失，而是由于不能抗拒或者不能预见的原因所引起的，不是犯罪。

第十七条 【刑事责任年龄】已满十六周岁的人犯罪，应当负刑事责任。

已满十四周岁不满十六周岁的人，犯故意杀人、故意伤害致人重伤或者死亡、强奸、抢劫、贩卖毒品、放火、爆炸、投放危险物质罪的，应当负刑事责任。

已满十二周岁不满十四周岁的人，犯故意杀人、故意伤害罪，致人死亡或者以特别残忍手段致人重伤造成严重残疾，情节恶劣，经最高人民检察院核准追诉的，应当负刑事责任。

对依照前三款规定追究刑事责任的不满十八周岁的人，应当从轻或者减轻处罚。

因不满十六周岁不予刑事处罚的，责令其父母或者其他监护人加以管教；在必要的时候，依法进行专门矫治教育。

第十七条 之一 【刑事责任年龄】已满七十五周岁的人故意犯罪的，可以

penalty if he commits a negligent crime.

Article 18 . A mentally ill person who causes dangerous consequences at a time when he is unable to recognize or unable to control his own conduct is not to bear criminal responsibility after being established through accreditation of legal procedures; but his family or guardian shall be ordered to subject him to strict surveillance and arrange for his medical treatment. When necessary, he will be given compulsory medical treatment by the government.

A person whose mental illness is of an intermittent nature shall bear criminal responsibility if he commits a crime during a period of mental normality.

A mentally ill person who commits a crime at a time when he has not yet completely lost his ability to recognize or control his own conduct shall bear criminal responsibility but he may be given a lesser or a mitigated punishment.

An intoxicated person who commits a crime shall bear criminal responsibility.

Article 19 . A deaf-mute or a blind person who commits a crime may be given a lesser punishment or a mitigated punishment or be exempted from punishment.

Article 20 . Criminal responsibility is not to be borne for an act of legitimate defense that is under taken to stop present unlawful infringement of the state's and public interest or the rights of the person, property or other rights of the actor or of other people and that causes harm to the unlawful infringer.

Criminal responsibility shall be borne where legitimate defense noticeably exceeds the necessary limits and causes great harm. However, consideration shall be given to imposing a mitigated punishment or to granting exemption from punishment.

Criminal responsibility is not to be borne for a defensive act undertaken against ongoing physical assault, murder, robbery, rape, kidnap, and other violent crimes that seriously endanger personal safety that causes injury or death to the unlawful infringer since such an act is not an excessive defense.

Article 21 . Criminal responsibility is not to be borne for damage resulting from an act of urgent danger prevention that must be undertaken in order to avert the occurrence of present danger to the state or public interest or the rights of the person, property rights, or other rights of the actor or of other people.

Criminal responsibility shall be borne where urgent danger prevention exceeds the necessary limits and causes undue harm. However, consideration shall be given

从轻或者减轻处罚；过失犯罪的，应当从轻或者减轻处罚。

第十八条 【特殊人员的刑事责任能力】精神病人在不能辨认或者不能控制自己行为的时候造成危害结果，经法定程序鉴定确认的，不负刑事责任，但是应当责令他的家属或者监护人严加看管和医疗；在必要的时候，由政府强制医疗。

间歇性的精神病人在精神正常的时候犯罪，应当负刑事责任。

尚未完全丧失辨认或者控制自己行为能力的精神病人犯罪的，应当负刑事责任，但是可以从轻或者减轻处罚。

醉酒的人犯罪，应当负刑事责任。

第十九条 【又聋又哑的人或盲人犯罪的刑事责任】又聋又哑的人或者盲人犯罪，可以从轻、减轻或者免除处罚。

第二十条 【正当防卫】为了使国家、公共利益、本人或者他人的人身、财产和其他权利免受正在进行的不法侵害，而采取的制止不法侵害的行为，对不法侵害人造成损害的，属于正当防卫，不负刑事责任。

正当防卫明显超过必要限度造成重大损害的，应当负刑事责任，但是应当减轻或者免除处罚。

对正在进行行凶、杀人、抢劫、强奸、绑架以及其他严重危及人身安全的暴力犯罪，采取防卫行为，造成不法侵害人伤亡的，不属于防卫过当，不负刑事责任。

第二十一条 【紧急避险】为了使国家、公共利益、本人或者他人的人身、财产和其他权利免受正在发生的危险，不得已采取的紧急避险行为，造成损害的，不负刑事责任。

紧急避险超过必要限度造成不应有的损害的，应当负刑事责任，但是应当

according to the circumstances to imposing a mitigated punishment or to granting exemption from punishment.

The provisions of the first paragraph with respect to preventing danger to oneself do not apply to a person who bears specific responsibility in his post or profession.

Section 2 . Preparation for a Crime, Criminal Attempt and Discontinuation of a Crime

Article 22 . Preparation for a crime is preparation of the instruments or creation of the conditions for the commission of a crime.

One who prepares for a crime may, in comparison with one who consummates the crime, be given a lesser punishment or a mitigated punishment or be exempted from punishment.

Article 23 . Criminal attempt occurs when a crime has already begun to be carried out but is not consummated because of factors independent of the will of the criminal element.

One who attempts to commit a crime may, in comparison with one who consummates the crime, be given a lesser punishment or a mitigated punishment.

Article 24 . Discontinuation of a crime occurs when, during the process of committing a crime, the actor voluntarily discontinues the crime or voluntarily and effectively prevents the consequences of the crime from occurring.

One who discontinues a crime shall be exempted from punishment when there is no harm done or be given a mitigated punishment when there is harm done.

Section 3 . Joint Crimes

Article 25 . A joint crime is an intentional crime committed by two or more persons jointly.

A negligent crime committed by two or more persons jointly is not to be punished as a joint crime; those who should bear criminal responsibility are to be punished separately according to the crimes they have committed.

Article 26 . A principal offender is one who organizes and leads a criminal group in conducting criminal activities or plays a principal role in a joint crime.

A crime syndicate is a more or less permanent crime organization composed of three or more persons for the purpose of jointly committing crimes.

The head who organizes or leads a crime syndicate shall bear criminal responsibility for all the crimes committed by the syndicate.

A principal offender other than the one stipulated in the third paragraph shall bear

减轻或者免除处罚。

第一款中关于避免本人危险的规定，不适用于职务上、业务上负有特定责任的人。

第二节 犯罪的预备、未遂和中止

第二十二条 【犯罪预备】为了犯罪，准备工具、制造条件的，是犯罪预备。

对于预备犯，可以比照既遂犯从轻、减轻处罚或者免除处罚。

第二十三条 【犯罪未遂】已经着手实行犯罪，由于犯罪分子意志以外的原因而未得逞的，是犯罪未遂。

对于未遂犯，可以比照既遂犯从轻或者减轻处罚。

第二十四条 【犯罪中止】在犯罪过程中，自动放弃犯罪或者自动有效地防止犯罪结果发生的，是犯罪中止。

对于中止犯，没有造成损害的，应当免除处罚；造成损害的，应当减轻处罚。

第三节 共同犯罪

第二十五条 【共同犯罪的概念】共同犯罪是指二人以上共同故意犯罪。

二人以上共同过失犯罪，不以共同犯罪论处；应当负刑事责任的，按照他们所犯的罪分别处罚。

第二十六条 【主犯】组织、领导犯罪集团进行犯罪活动的或者在共同犯罪中起主要作用的，是主犯。

三人以上为共同实施犯罪而组成的较为固定的犯罪组织，是犯罪集团。

对组织、领导犯罪集团的首要分子，按照集团所犯的全部罪行处罚。

对于第三款规定以外的主犯，应当按

criminal responsibility for all the crimes he participated in, organized, or directed.

Article 27 . An accomplice is one who plays a secondary or supplementary role in a joint crime.

An accomplice shall, in comparison with a principal offender, be given a lesser punishment or a mitigated punishment or be exempted from punishment.

Article 28 . One who is coerced to participate in a crime shall, according to the circumstances of his crime, be given a mitigated punishment or be exempted from punishment.

Article 29 . One who instigates others to commit a crime shall be punished according to the role he plays in the joint crime. One who instigates a person under the age of eighteen to commit a crime shall be given a heavier punishment.

If the instigated person does not commit the instigated crime, the instigator may be given a lesser punishment or a mitigated punishment.

Section 4 . Crimes Committed by a Unit

Article 30 . A company, enterprise, institution, organization, or group which commits an act endangering society that is considered a crime under the law shall bear criminal responsibility.

Article 31 . A unit responsible for a criminal act shall be fined. The person in charge and other personnel who are directly responsible shall also bear criminal responsibility. Where there are other stipulations in the Special Provisions of this Law or other laws, those stipulations shall apply.

Chapter III Punishments

Section 1 . Types of Punishments

Article 32 . Punishments are divided into principal punishments and supplementary punishments.

Article 33 . The types of principal punishments are:

- (1) probation;
- (2) limited incarceration;
- (3) fixed-term imprisonment;
- (4) life imprisonment; and

照其所参与的或者组织、指挥的全部犯罪处罚。

第二十七条 【从犯】在共同犯罪中起次要或者辅助作用的，是从犯。

对于从犯，应当从轻、减轻处罚或者免除处罚。

第二十八条 【胁从犯】对于被胁迫参加犯罪的，应当按照他的犯罪情节减轻处罚或者免除处罚。

第二十九条 【教唆犯】教唆他人犯罪的，应当按照他在共同犯罪中所起的作用处罚。教唆不满十八周岁的人犯罪的，应当从重处罚。

如果被教唆的人没有犯被教唆的罪，对于教唆犯，可以从轻或者减轻处罚。

第四节 单位犯罪

第三十条 【单位负刑事责任的范围】公司、企业、事业单位、机关、团体实施的危害社会的行为，法律规定为单位犯罪的，应当负刑事责任。

第三十一条 【单位犯罪的处罚原则】单位犯罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员判处刑罚。本法分则和其他法律另有规定的，依照规定。

第三章 刑罚

第一节 刑罚的种类

第三十二条 【主刑和附加刑】刑罚分为主刑和附加刑。

第三十三条 【主刑种类】主刑的种类如下：

- (一) 管制；
- (二) 拘役；
- (三) 有期徒刑；
- (四) 无期徒刑；

(5) death penalty.

(五) 死刑。

Article 34 . The types of supplementary punishments are:

第三十四条 【附加刑种类】附加刑的种类如下:

(1) Fines;

(一) 罚金;

(2) Deprivation of political rights; and

(二) 剥夺政治权利;

(3) Confiscation of property.

(三) 没收财产。

Supplementary punishments may also be applied independently.

附加刑也可以独立适用。

Article 35 . Deportation may be applied in an independent or supplementary manner to a foreigner who commits a crime.

第三十五条 【驱逐出境】对于犯罪的外国人, 可以独立适用或者附加适用驱逐出境。

Article 36 . Where the victim has suffered economic loss as a result of a criminal act, the criminal element, in addition to receiving criminal sanctions according to law, shall in accordance with the circumstances be sentenced to make compensation for the economic loss.

第三十六条 【赔偿经济损失与民事优先原则】由于犯罪行为而使被害人遭受经济损失的, 对犯罪分子除依法给予刑事处罚外, 并应根据情况判处赔偿经济损失。

Where the criminal element bears responsibility for civil compensation and is also imposed a fine, if his property is not enough to pay the compensation and fine in full or if he has also been sentenced to confiscation of property, he shall first pay civil compensation to the victim.

承担民事赔偿责任的犯罪分子, 同时被判处罚金, 其财产不足以全部支付的, 或者被判处没收财产的, 应当先承担对被害人的民事赔偿责任。

Article 37 . Where the circumstances of a person's crime are minor and do not require sentencing for punishment, an exemption from criminal sanctions may be granted him, but he may, according to the different circumstances of each case, be reprimanded or ordered to make a statement of repentance or formal apology or make compensation for losses, or be subjected to administrative sanctions by the competent department.

第三十七条 【非刑罚性处置措施】对于犯罪情节轻微不需要判处刑罚的, 可以免于刑事处罚, 但是可以根据案件的不同情况, 予以训诫或者责令具结悔过、赔礼道歉、赔偿损失, 或者由主管部门予以行政处罚或者行政处分。

Article 37 (I): Whoever is given a penalty due to a crime committed by taking advantage of his or her profession or a crime committed in violation of the specific obligations required by his or her profession may be prohibited by the people's court from engaging in the relevant profession for three to five years from the date when the penalty ends or the date when the person is released on parole in light of the circumstances of the crime committed and the need for preventing the commission of any other crime.

第三十七条 之一 【禁业规定】因利用职业便利实施犯罪, 或者实施违背职业要求的特定义务的犯罪被判处刑罚的, 人民法院可以根据犯罪情况和预防再犯罪的需要, 禁止其自刑罚执行完毕之日或者假释之日起从事相关职业, 期限为三年至五年。

Where a person who is prohibited from engaging in the relevant profession violates the decision made by a people's court in accordance with the provisions of the preceding paragraph, the person shall be given a penalty by the public security authority in accordance with the law and, if the circumstances are serious, be convicted and punished in accordance with the provisions of Article 313 of this Law.

被禁止从事相关职业的人违反人民法院依照前款规定作出的决定的, 由公安机关依法给予处罚; 情节严重的, 依照本法第三百一十三条的规定定罪处罚。

Where there are other prohibitive or restrictive provisions in any other law or

其他法律、行政法规对其从事相关职

administrative regulation on the person's engagement in the relevant profession, such provisions shall prevail.

Section 2 . Probation

Article 38 . The term of probation is not less than three months and not more than two years.

In light of the crime committed, a convict sentenced to probation may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during the term of execution.

Criminals sentenced to probation shall be subject to community correction.

Whoever violates a restraining order as provided for in paragraph 2 shall be punished in accordance with the [Public Security Administrative Punishments Law of the People's Republic of China](#).

Article 39 . A criminal element who is sentenced to probation must abide by the following rules during the term in which his probation is being carried out:

(1) abide by laws and administrative regulations, submit himself to supervision;

(2) shall not exercise the rights to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration without the approval of the organ executing the probation;

(3) report on his own activities pursuant to the rules of the organ executing the probation;

(4) abide by the rules of the organ executing the probation for meeting visitors;

(5) report and obtain approval from the organ executing the probation for a change in residence or departure from the city or county.

A criminal element who is sentenced to probation shall, while engaged in labor, receive equal pay for equal work.

Article 40 . Upon the expiration of the term of the probation, the organ executing the probation shall announce the termination of probation to the criminal element sentenced to probation and to the masses concerned.

Article 41 . The term of probation is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment begins to be executed, the term is to be shortened by two days for each day spent in custody.

业另有禁止或者限制性规定的，从其规定。

第二节 管制

第三十八条 【管制的期限与执行机关】管制的期限，为三个月以上二年以下。

判处管制，可以根据犯罪情况，同时禁止犯罪分子在执行期间从事特定活动，进入特定区域、场所，接触特定的人。

对判处管制的犯罪分子，依法实行社区矫正。

违反第二款规定的禁止令的，由公安机关依照《[中华人民共和国治安管理处罚法](#)》的规定处罚。

第三十九条 【被管制罪犯的义务与权利】被判处管制的犯罪分子，在执行期间，应当遵守下列规定：

（一）遵守法律、行政法规，服从监督；

（二）未经执行机关批准，不得行使言论、出版、集会、结社、游行、示威自由的权利；

（三）按照执行机关规定报告自己的活动情况；

（四）遵守执行机关关于会客的规定；

（五）离开所居住的市、县或者迁居，应当报经执行机关批准。

对于被判处管制的犯罪分子，在劳动中应当同工同酬。

第四十条 【管制期满解除】被判处管制的犯罪分子，管制期满，执行机关应即向本人和其所在单位或者居住地的群众宣布解除管制。

第四十一条 【管制刑期的计算和折抵】管制的刑期，从判决执行之日起计算；判决执行以前先行羁押的，羁押

Section 3 . Limited incarceration

Article 42 . The term of limited incarceration is not less a month and not more than six months.

Article 43 . A criminal element sentenced to limited incarceration is to have his sentence executed by the public security organ in the vicinity.

During the period of execution, a criminal element sentenced to limited incarceration may go home for one or two days each month; consideration may be given according to the circumstances to granting compensation to those who participate in labor.

Article 44 . The term of limited incarceration is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment, the term is to be shortened by one day for each day spent in custody.

Section 4 . Fixed-Term Imprisonment And Life Imprisonment

Article 45 . Except as otherwise provided in Articles 50 and 69 of this Law, the term of fixed-term imprisonment is not less than six months and not more than fifteen years.

Article 46 . A criminal element sentenced to fixed-term imprisonment or life imprisonment is to have his sentence executed in prison or in another organ executing the sentence; anyone with the ability to labor shall take part in labor, receive education, and undergo reform.

Article 47 . The term of fixed-term imprisonment is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment begins to be executed, the term is to be shortened by one day for each day spent in custody.

Section 5 . Death Penalty

Article 48 . The death penalty is only to be applied to criminal elements who commit the most heinous crimes. In the case of a criminal element who should be sentenced to death, if immediate execution is not essential, a two-year suspension of execution may be announced at the same time the sentence of death is imposed.

Except for judgments made by the Supreme People's Court according to law, all sentences of death shall be submitted to the Supreme People's Court for approval. Sentences of death with suspension of execution may be decided or approved by a high people's court.

押一日折抵刑期二日。

第三节 拘役

第四十二条 【拘役的期限】拘役的期限，为一个月以上六个月以下。

第四十三条 【拘役的执行】被判处拘役的犯罪分子，由公安机关就近执行。

在执行期间，被判处拘役的犯罪分子每月可以回家一天至两天；参加劳动的，可以酌量发给报酬。

第四十四条 【拘役刑期的计算和折抵】拘役的刑期，从判决执行之日起计算；判决执行以前先行羁押的，羁押一日折抵刑期一日。

第四节 有期徒刑、无期徒刑

第四十五条 【有期徒刑的期限】有期徒刑的期限，除本法第五十条、第六十九条规定外，为六个月以上十五年以下。

第四十六条 【有期徒刑与无期徒刑的执行】被判处有期徒刑、无期徒刑的犯罪分子，在监狱或者其他执行场所执行；凡有劳动能力的，都应当参加劳动，接受教育和改造。

第四十七条 【有期徒刑刑期的计算与折抵】有期徒刑的刑期，从判决执行之日起计算；判决执行以前先行羁押的，羁押一日折抵刑期一日。

第五节 死刑

第四十八条 【死刑、死缓的适用对象及核准程序】死刑只适用于罪行极其严重的犯罪分子。对于应当判处死刑的犯罪分子，如果不是必须立即执行的，可以判处死刑同时宣告缓期二年执行。

死刑除依法由最高人民法院判决的以外，都应当报请最高人民法院核准。死刑缓期执行的，可以由高级人民法院判决或者核准。

Article 49 . The death penalty is not to be applied to persons who have not reached the age of eighteen at the time the crime is committed or to women who are pregnant at the time of adjudication.

The death penalty shall not be given to a person attaining the age of 75 at the time of trial, unless he has caused the death of another person by especially cruel means.

Article 50 . Where a convict is sentenced to death with a reprieve, if he or she does not commit any intentional crime during the period of reprieve, the sentence shall be commuted to life imprisonment upon expiration of the two-year period; if he or she has any major meritorious performance, the sentence shall be commuted to imprisonment of 25 years upon expiration of the two-year period; if the criminal has committed an intentional crime with execrable circumstances, the death penalty shall be executed with the approval of the Supreme People's Court. If the crime is committed intentionally but the death penalty is not executed, the period of the death penalty with a reprieve shall be recalculated and be reported to the Supreme People's Court for recordation.

For a recidivist or a convict of murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violence who is sentenced to death with a reprieve, the people's court may, in sentencing, decide to put restrictions on commutation of his sentence in light of the circumstances of the crime committed.

Article 51 . The term for suspending execution of a sentence of death is counted as commencing on the date the judgment becomes final. The term of a sentence that is reduced from the death penalty with suspension of execution to fixed-term imprisonment is counted as commencing on the date the suspension of execution expires.

Section 6 . Fines

Article 52 . In imposing a fine, the amount of the fine shall be determined according to the circumstances of the crime.

Article 53 . A fine shall be paid in a lump sum or in installments within the period specified in the judgment. The person who fails to pay the fine in full upon the expiration of the period shall be compelled to pay. If the person sentenced is unable to pay the fine in full, the people's court may collect whenever the person is found in possession of executable property.

Where a person truly has difficulties in paying the fine because he or she due to irresistible calamity or any other reason, the people's court may render a ruling to postpone the payment of the fine, or grant a reduction or even exemption in light of the

第四十九条

【死刑适用对象的限制】犯罪的时候不满十八周岁的人和审判的时候怀孕的妇女，不适用死刑。

审判的时候已满七十五周岁的人，不适用死刑，但以特别残忍手段致人死亡的除外。

第五十条 【死缓变更】判处死刑缓期执行的，在死刑缓期执行期间，如果没有故意犯罪，二年期满后，减为无期徒刑；如果确有重大立功表现，二年期满后，减为二十五年有期徒刑；如果故意犯罪，情节恶劣的，报请最高人民法院核准后执行死刑；对于故意犯罪未执行死刑的，死刑缓期执行的期间重新计算，并报最高人民法院备案。

对被判处死刑缓期执行的累犯以及因故意杀人、强奸、抢劫、绑架、放火、爆炸、投放危险物质或者有组织的暴力性犯罪被判处死刑缓期执行的犯罪分子，人民法院根据犯罪情节等情况可以同时决定对其限制减刑。

第五十一条 【死缓期间及减为有期徒刑的刑期计算】死刑缓期执行的期间，从判决确定之日起计算。死刑缓期执行减为有期徒刑的刑期，从死刑缓期执行期满之日起计算。

第六节 罚金

第五十二条 【罚金数额的裁量】判处罚金，应当根据犯罪情节决定罚金数额。

第五十三条 【罚金的缴纳】罚金在判决指定的期限内一次或者分期缴纳。期满不缴纳的，强制缴纳。对于不能全部缴纳罚金的，人民法院在任何时候发现被执行人有可以执行的财产，应当随时追缴。

由于遭遇不能抗拒的灾祸等原因缴纳确实有困难的，经人民法院裁定，可以延期缴纳、酌情减少或者免除。

actual circumstances.

Section 7 . Deprivation of Political Rights

Article 54 . Deprivation of political rights is deprivation of the following rights:

- (1) The right to elect and the right to be elected;
- (2) the right to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration;
- (3) the right to hold a position in state organs; and
- (4) the right to hold a leading position in a state-owned company, enterprise, or institution or people's organization.

Article 55 . The term of deprivation of political rights is not less than one year and not more than five years, except as otherwise stipulated in Article 57 of this Law.

In situations where a person is sentenced to probation and to deprivation of political rights as a supplementary punishment, the term of deprivation of political rights is to be the same as the term of probation, and the punishments are to be executed at the same time.

Article 56 . A criminal element endangering state security shall be sentenced to deprivation of political rights as a supplementary punishment; a criminal element guilty of murder, rape, arson, explosion, spreading poison, or robbery who seriously undermines social order may also be sentenced to deprivation of political rights as a supplementary punishment.

Where deprivation of political rights is applied independently, stipulations in the Special Provisions of this Law shall be followed.

Article 57 . A criminal element who is sentenced to death or to life imprisonment shall be deprived of political rights for life.

When the death penalty with a suspension of execution is reduced to fixed-term imprisonment, or life imprisonment is reduced to fixed-term imprisonment, the term of the supplementary punishment of deprivation of political rights shall be changed to not less than three years and not more than ten years.

Article 58 . The term of the supplementary punishment of deprivation of political rights is counted as commencing on the date that imprisonment or limited incarceration ends or on the date that parole begins; the deprivation of political rights is naturally to be effective during the period in which the principal punishment is being executed.

第七节 剥夺政治权利

第五十四条 【剥夺政治权利的含义】
剥夺政治权利是剥夺下列权利：

- （一）选举权和被选举权；
- （二）言论、出版、集会、结社、游行、示威自由的权利；
- （三）担任国家机关职务的权利；
- （四）担任国有公司、企业、事业单位和人民团体领导职务的权利。

第五十五条 【剥夺政治权利的期限】
剥夺政治权利的期限，除本法第五十七条规定外，为一年以上五年以下。

判处管制附加剥夺政治权利的，剥夺政治权利的期限与管制的期限相等，同时执行。

第五十六条 【剥夺政治权利的附加、独立适用】对于危害国家安全的犯罪分子应当附加剥夺政治权利；对于故意杀人、强奸、放火、爆炸、投毒、抢劫等严重破坏社会秩序的犯罪分子，可以附加剥夺政治权利。

独立适用剥夺政治权利的，依照本法分则的规定。

第五十七条 【对死刑、无期徒刑罪犯剥夺政治权利的适用】对于被判处死刑、无期徒刑的犯罪分子，应当剥夺政治权利终身。

在死刑缓期执行减为有期徒刑或者无期徒刑减为有期徒刑的时候，应当把附加剥夺政治权利的期限改为三年以上十年以下。

第五十八条 【剥夺政治权利的刑期计算、效力与执行】附加剥夺政治权利的刑期，从徒刑、拘役执行完毕之日或者从假释之日起计算；剥夺政治权利的效力当然施用于主刑执行期间。

A criminal element who is deprived of political rights shall abide by laws, administrative regulations, and relevant regulations on supervision and administration promulgated by public security departments under the State Council; submit to supervision; and is forbidden from exercising rights stipulated in Article 54 of this Law.

Section 8 . Confiscation of Property

Article 59 . Confiscation of property is the confiscation of part or all of the property personally owned by the criminal element. Where all of the property personally owned by the criminal element is confiscated, living expenses shall be set aside for the criminal element himself and the dependents he supports.

When a sentence of confiscation of property is imposed, property that belongs to or should belong to family members of the criminal element may not be confiscated.

Article 60 . Where it is necessary to use the confiscated property to repay legitimate debts incurred by the criminal element before the property was confiscated, the debts shall be paid at the request of the creditors.

Chapter IV The Concrete Application Of Punishments

Section 1 . Sentencing

Article 61 . When deciding the punishment of a criminal element, the sentence shall be imposed on the basis of the facts of the crime, the nature and circumstances of the crime, and the degree of harm to society, in accordance with the relevant stipulations of this law.

Article 62 . Where the circumstances of a criminal element are such as to give him a heavier punishment or a lesser punishment under the stipulations of this law, he shall be sentenced to a punishment within the legally prescribed limits of punishment.

Article 63 . Where there is any circumstance of mitigation of penalty, a convict shall be given a penalty below the statutory penalty; and if there are two or more ranges of sentencing under this Law, the penalty shall be given within the range next lower to the statutory range.

Although the circumstances of a criminal element do not warrant giving him a mitigated punishment under the stipulations of this law, he too may be sentenced to a punishment below the legally prescribed punishment based on the special situation of the case and with the approval of the Supreme People's Court.

被剥夺政治权利的犯罪分子，在执行期间，应当遵守法律、行政法规和国务院公安部门有关监督管理的规定，服从监督；不得行使本法第五十四条规定的各项权利。

第八节 没收财产

第五十九条 【没收财产的范围】没收财产是没收犯罪分子个人所有财产的一部或者全部。没收全部财产的，应当对犯罪分子个人及其扶养的家属保留必需的生活费用。

在判处没收财产的时候，不得没收属于犯罪分子家属所有或者应有的财产。

第六十条 【以没收的财产偿还债务】没收财产以前犯罪分子所负的正当债务，需要以没收的财产偿还的，经债权人请求，应当偿还。

第四章 刑罚的具体运用

第一节 量刑

第六十一条 【量刑的一般原则】对于犯罪分子决定刑罚的时候，应当根据犯罪的事实、犯罪的性质、情节和对于社会的危害程度，依照本法的有关规定判处。

第六十二条 【从重处罚与从轻处罚】犯罪分子具有本法规定的从重处罚、从轻处罚情节的，应当在法定刑的限度以内判处刑罚。

第六十三条 【减轻处罚】犯罪分子具有本法规定的减轻处罚情节的，应当在法定刑以下判处刑罚；本法规定有数个量刑幅度的，应当在法定量刑幅度的下一个量刑幅度内判处刑罚。

犯罪分子虽然不具有本法规定的减轻处罚情节，但是根据案件的特殊情况，经最高人民法院核准，也可以在法定刑以下判处刑罚。

Article 64 . All articles of property illegally obtained by the criminal element shall be recovered or he shall be ordered to make restitution or pay compensation for them. The legitimate property of the victims shall be promptly returned. Contraband and articles of the criminal's own property used for committing the crime shall be confiscated. Articles of confiscated property and fines shall be handed over to the national treasury and shall not be diverted or otherwise disposed of.

Section 2 . Recidivists

Article 65 . Where a convict sentenced to fixed-term imprisonment or a heavier penalty commits again a crime for which a fixed-term imprisonment or a heavier penalty shall be given within five years after finishing serving his sentence or being pardoned, he shall be a recidivist and be given a heavier penalty, unless it is a negligent crime or he commits the crime under the age of 18.

In situations where a criminal element is granted a parole, the period stipulated in the preceding paragraph is to be counted as commencing on the date of expiration of the parole.

Article 66 . A convict of jeopardizing the national security, terrorist activities or organized crime of a gangland nature shall be punished as a recidivist for any of such crimes committed again by him at any time after he finishes serving his sentence or is pardoned.

Section 3 . Voluntary Surrender and Meritorious Service

Article 67 . The act of voluntarily giving oneself up to the police and giving a true account of one's crime after committing it is an act of voluntary surrender. Criminal elements who voluntarily surrender may be given a lesser punishment or a mitigated punishment. Those among them whose crimes are relatively minor may be exempted from punishment.

Where criminal suspects, defendants, and criminals serving sentences give a true account of their other crimes which are not known to the judicial organ, their actions are regarded as an act of voluntary surrender.

A criminal suspect who truthfully confesses to his crime may be given a lighter penalty although there is no voluntary surrender as mentioned in the preceding two paragraphs; and may be given a mitigated penalty if any especially serious consequence is avoided for his truthful confession.

Article 68 . Criminal elements who perform meritorious service by exposing other people's crimes that can be verified or who provide important clues leading the

第六十四条

【犯罪物品的处理】犯罪分子违法所得的一切财物，应当予以追缴或者责令退赔；对被害人的合法财产，应当及时返还；违禁品和供犯罪所用的本人财物，应当予以没收。没收的财物和罚金，一律上缴国库，不得挪用和自行处理。

第二节 累犯

第六十五条 【一般累犯】被判处有期徒刑以上刑罚的犯罪分子，刑罚执行完毕或者赦免以后，在五年以内再犯应当判处有期徒刑以上刑罚之罪的，是累犯，应当从重处罚，但是过失犯罪和不满十八周岁的人犯罪的除外。

前款规定的期限，对于被假释的犯罪分子，从假释期满之日起计算。

第六十六条 【特别累犯】危害国家安全犯罪、恐怖活动犯罪、黑社会性质的组织犯罪的犯罪分子，在刑罚执行完毕或者赦免以后，在任何时候再犯上述任一类罪的，都以累犯论处。

第三节 自首和立功

第六十七条 【自首】犯罪以后自动投案，如实供述自己的罪行的，是自首。对于自首的犯罪分子，可以从轻或者减轻处罚。其中，犯罪较轻的，可以免除处罚。

被采取强制措施的犯罪嫌疑人、被告人和正在服刑的罪犯，如实供述司法机关还未掌握的本人其他罪行的，以自首论。

犯罪嫌疑人虽不具有前两款规定的自首情节，但是如实供述自己罪行的，可以从轻处罚；因其如实供述自己罪行，避免特别严重后果发生的，可以减轻处罚。

第六十八条 【立功】犯罪分子有揭发他人犯罪行为，查证属实的，或者

cracking of other cases may be given a lesser punishment or a mitigated punishment. Those who performed major meritorious service may be given a mitigated punishment or may be exempted from punishment.

Section 4 . Combined Punishment For More Than One Crime

Article 69 . Where a person is convicted of more than one crime before a sentence is pronounced, except for the death penalty or life imprisonment, the term of criminal penalty to be executed shall be decided in light of the actual circumstances below the sum of terms but above the highest term of the imposed criminal penalties; however, the decided term of probation shall not exceed three years, the decided term of limited incarceration shall not exceed one year, and the decided fixed-term imprisonment shall not exceed 20 years if the sum of terms of fixed-term imprisonment is less than 35 years or shall not exceed 25 years if the sum of terms is 35 years or more.

If, for the plural crimes, imprisonment and limited incarceration shall be imposed, the imprisonment shall be executed. If imprisonment and surveillance, or limited incarceration and surveillance, shall be imposed for the plural crimes, surveillance shall still be executed after imprisonment or limited incarceration is executed.

If there are accessory penalties imposed for the crimes, the accessory penalties must still be executed. Accessory penalties of the same kind shall be executed on a consolidated basis, while those of different kinds shall be executed separately.

Article 70 . If, after judgment has been pronounced but before the punishment has been completely executed, it is discovered that, before judgment was pronounced, the sentenced criminal element committed another crime for which he has not been sentenced, a judgment shall be rendered for the newly-discovered crime, and the punishment to be executed for the punishments sentenced in the two, former and latter, judgments decided according to the stipulations of Article 69 of this law. The term that has already been executed shall be counted in the term decided by the new judgment.

Article 71 . If after judgment has been pronounced but before the punishment has been completely executed the sentenced criminal element again commits a crime, a judgment shall be rendered for the newly-committed crime, and the punishment to be executed for the punishment that has not been executed for the former crime and the punishment imposed for the latter crime decided according to the stipulations of Article 69 of this law.

Section 5 . Suspension of Sentence

Article 72 . Where a convict sentenced to limited incarceration or imprisonment of not

提供重要线索，从而得以侦破其他案件等立功表现的，可以从轻或者减轻处罚；有重大立功表现的，可以减轻或者免除处罚。

第四节 数罪并罚

第六十九条 【数罪并罚的一般原则】 判决宣告以前一人犯数罪的，除判处死刑和无期徒刑的以外，应当在总和刑期以下、数刑中最高刑期以上，酌情决定执行的刑期，但是管制最高不能超过三年，拘役最高不能超过一年，有期徒刑总和刑期不满三十五年的，最高不能超过二十年，总和刑期在三十五年以上的，最高不能超过二十五年。

数罪中有判处有期徒刑和拘役的，执行有期徒刑。数罪中有判处有期徒刑和管制，或者拘役和管制的，有期徒刑、拘役执行完毕后，管制仍须执行。

数罪中有判处附加刑的，附加刑仍须执行，其中附加刑种类相同的，合并执行，种类不同的，分别执行。

第七十条 【判决宣告后发现漏罪的并罚】 判决宣告以后，刑罚执行完毕以前，发现被判刑的犯罪分子在判决宣告以前还有其他罪没有判决的，应当对新发现的罪作出判决，把前后两个判决所判处的刑罚，依照本法第六十九条的规定，决定执行的刑罚。已经执行的刑期，应当计算在新判决决定的刑期以内。

第七十一条 【判决宣告后又犯新罪的并罚】 判决宣告以后，刑罚执行完毕以前，被判刑的犯罪分子又犯罪的，应当对新犯的罪作出判决，把前罪没有执行的刑罚和后罪所判处的刑罚，依照本法第六十九条的规定，决定执行的刑罚。

第五节 缓刑

第七十二条 【适用条件】 对于被判

more than 3 years meets the following conditions, a probation may be announced, and a probation shall be announced if he is under the age of 18, is pregnant or attains the age of 75:

- (1) The circumstances of the crime are minor;
- (2) He shows repentance;
- (3) He is not likely to commit any offense again; and
- (4) Announcing the probation will not have any major adverse impact on the community where he lives.

When probation is announced, in light of the crime committed, the convict may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during probation.

If there is any accessory penalty imposed on a convict on probation, the accessory penalty must still be executed.

Article 73 . The probation period for suspension of limited incarceration is to be not less than the term originally decided and not more than one year, but it may not be less than two months.

The probation period for suspension of fixed-term imprisonment is to be not less than the term originally decided and not more than five years, but it may not be less than one year.

The probation period for suspension is to be counted as commencing on the date the judgment becomes final.

Article 74 . Probation shall not apply to recidivists and ringleaders of criminal gangs.

Article 75 . A criminal element for whom a suspension of sentence has been pronounced shall observe the following stipulations:

- (1) observing the law and administrative statutes and accepting supervision;
- (2) reporting his activities in accordance with the stipulation of the observing organ;
- (3) following the observing organ's stipulation on meeting visitors;
- (4) reporting and applying to the observing organ for approval before leaving or

处拘役、三年以下有期徒刑的犯罪分子，同时符合下列条件的，可以宣告缓刑，对其中不满十八周岁的人、怀孕的妇女和已满七十五周岁的人，应当宣告缓刑：

- （一）犯罪情节较轻；
- （二）有悔罪表现；
- （三）没有再犯罪的危险；
- （四）宣告缓刑对所居住社区没有重大不良影响。

宣告缓刑，可以根据犯罪情况，同时禁止犯罪分子在缓刑考验期限内从事特定活动，进入特定区域、场所，接触特定的人。

被宣告缓刑的犯罪分子，如果被判处附加刑，附加刑仍须执行。

第七十三条 【考验期限】 拘役的缓刑考验期限为原判刑期以上一年以下，但是不能少于二个月。

有期徒刑的缓刑考验期限为原判刑期以上五年以下，但是不能少于一年。

缓刑考验期限，从判决确定之日起计算。

第七十四条 【累犯不适用缓刑】 对于累犯和犯罪集团的首要分子，不适用缓刑。

第七十五条 【缓刑犯应遵守的规定】 被宣告缓刑的犯罪分子，应当遵守下列规定：

- （一）遵守法律、行政法规，服从监督；
- （二）按照考察机关的规定报告自己的活动情况；
- （三）遵守考察机关关于会客的规定；
- （四）离开所居住的市、县或者迁居，

moving from the city or county of residence.

Article 76 . A convict on probation shall be subject to community correction during probation, and if none of the circumstances as set out in Article 77 of this Law occurs, the original sentence shall no longer be executed upon expiration of probation, which shall be announced to the public.

Article 77 . If a criminal element for whom a suspension of sentence has been pronounced commits new crimes during the probation period for suspension or is discovered that, before judgment was pronounced, the sentenced criminal element committed another crime for which he has not been sentenced, the suspension is to be revoked and the punishment to be executed for the punishments imposed for the former and latter crimes is to be decided according to the stipulations of Article 69 of this law.

Where a convict on probation violates any provision of laws, administrative regulations or the relevant department of the State Council on probation supervision and management or violates any restraining order in the judgment of the people's court during probation, if the circumstances are serious, the probation shall be revoked and the original sentence shall be executed.

Section 6 . Reduction of Sentence

Article 78 . A criminal element who is sentenced to probation, limited incarceration, fixed-term imprisonment or life imprisonment may have his sentence reduced if, during the period his punishment is being executed, he earnestly observes prison regulations, accepts reform through education, truly repents, or performs meritorious service. The sentence shall be reduced if any of the following meritorious services are performed:

- (1) preventing someone from engaging in major criminal activities;
- (2) informing on major criminal activities in or outside the prison that can be verified;
- (3) making inventions or major technological renovations;
- (4) risking his life to save others in day-to-day production activities and life;
- (5) performing outstanding service in combating natural disaster or preventing major accidents;
- (6) making other major contributions to the state or society.

应当报经考察机关批准。

第七十六条 【缓刑的考验及其积极后果】对宣告缓刑的犯罪分子，在缓刑考验期限内，依法实行社区矫正，如果没有本法第七十七条规定的情形，缓刑考验期满，原判的刑罚就不再执行，并公开予以宣告。

第七十七条 【缓刑的撤销及其处理】被宣告缓刑的犯罪分子，在缓刑考验期限内犯新罪或者发现判决宣告以前还有其他罪没有判决的，应当撤销缓刑，对新犯的罪或者新发现的罪作出判决，把前罪和后罪所判处的刑罚，依照本法第六十九条的规定，决定执行的刑罚。

被宣告缓刑的犯罪分子，在缓刑考验期限内，违反法律、行政法规或者国务院有关部门关于缓刑的监督管理规定，或者违反人民法院判决中的禁止令，情节严重的，应当撤销缓刑，执行原判刑罚。

第六节 减刑

第七十八条 【减刑条件与限度】被判处管制、拘役、有期徒刑、无期徒刑的犯罪分子，在执行期间，如果认真遵守监规，接受教育改造，确有悔改表现的，或者有立功表现的，可以减刑；有下列重大立功表现之一的，应当减刑：

- （一）阻止他人重大犯罪活动的；
- （二）检举监狱内外重大犯罪活动，经查证属实的；
- （三）有发明创造或者重大技术革新的；
- （四）在日常生产、生活中舍己救人的；
- （五）在抗御自然灾害或者排除重大事故中，有突出表现的；
- （六）对国家和社会有其他重大贡献

After commutation, the actually executed term of criminal penalty shall not be:

- (1) less than 1/2 of the original term of criminal penalty, if probation, limited incarceration or fixed-term imprisonment is imposed;
- (2) less than 13 years, if life imprisonment is imposed; or
- (3) less than 25 years if the death penalty with a reprieve imposed on a convict is legally commuted to life imprisonment upon expiration of the reprieve period, or less than 20 years if it is commuted to imprisonment of 25 years upon expiration of the reprieve period, where the people's court has put restrictions on commutation of the death penalty with a reprieve according to paragraph 2, Article 50 of this Law.

Article 79 . To receive reductions of sentence for criminal elements, the organ executing the sentence shall submit letters of sentence reduction proposal to the people's court at or above the intermediate level. The people's court shall form a collegial panel to examine the proposals and to issue sentence reduction orders for those who demonstrate true repentance and performed meritorious service.

Article 80 . The term of fixed-term imprisonment that is reduced from life imprisonment is counted as commencing on the date of the order reducing the sentence; no sentence reduction shall be made without due legal process.

Section 7 . Parole

Article 81 . Where a convict sentenced to fixed-term imprisonment has served not less than half of the term of his original sentence, or a convict sentenced to life imprisonment has actually served not less than 13 years of imprisonment, he may be paroled if he earnestly observes the prison rules, accepts reform through education and shows true repentance and is not likely to commit any crime again. Under special circumstances, with the approval of the Supreme People's Court, a parole may be granted without regard to the above restrictions on the term served.

No parole shall be granted to a recidivist or a convict sentenced to imprisonment of not less than 10 years or life imprisonment for murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violent crime.

When a parole decision is made on a convict, the impact of his release on parole on the community where he lives shall be considered.

的。

减刑以后实际执行的刑期不能少于下列期限:

(一) 判处管制、拘役、有期徒刑的,不能少于原判刑期的二分之一;

(二) 判处无期徒刑的,不能少于十三年;

(三) 人民法院依照本法第五十条第二款规定限制减刑的死刑缓期执行的犯罪分子,缓期执行期满后依法减为无期徒刑的,不能少于二十五年,缓期执行期满后依法减为二十五年有期徒刑的,不能少于二十年。

第七十九条 【减刑程序】对于犯罪分子的减刑,由执行机关向中级以上人民法院提出减刑建议书。人民法院应当组成合议庭进行审理,对确有悔改或者立功事实的,裁定予以减刑。非经法定程序不得减刑。

第八十条 【无期徒刑减刑的刑期计算】无期徒刑减为有期徒刑的刑期,从裁定减刑之日起计算。

第七节 假释

第八十一条 【假释的适用条件】被判处有期徒刑的犯罪分子,执行原判刑期二分之一以上,被判处无期徒刑的犯罪分子,实际执行十三年以上,如果认真遵守监规,接受教育改造,确有悔改表现,没有再犯罪的危险的,可以假释。如果有特殊情况,经最高人民法院核准,可以不受上述执行刑期的限制。

对累犯以及因故意杀人、强奸、抢劫、绑架、放火、爆炸、投放危险物质或者有组织的暴力性犯罪被判处十年以上有期徒刑、无期徒刑的犯罪分子,不得假释。

对犯罪分子决定假释时,应当考虑其假释后对所居住社区的影响。

Article 82 . The granting of parole to criminal elements shall be carried out in accordance with the procedures stipulated in Article 79 of this law; no parole shall be granted without due legal process.

Article 83 . The probation period for parole in the case of fixed-term imprisonment is the term that has not been completed; the probation period for parole in the case of life imprisonment is 10 years.

The probation period for parole is counted as commencing on the date of parole.

Article 84 . Criminal elements granted parole shall observe the following stipulations:

(1) observing the law and administrative statutes and accepting supervision;

(2) reporting his activities in accordance with the stipulation of the supervising organ;

(3) observing the supervising organ's stipulation on meeting visitors;

(4) reporting and applying to the observing organ for approval before leaving or moving from the city or county of residence.

Article 85 . A convict released on parole shall be subject to community correction during parole according to law, and if none of the circumstances as set out in Article 86 of this Law occurs, the original sentence shall be deemed to have been fully served upon expiration of parole, which shall be announced to the public.

Article 86 . If, during the probation period for parole, a criminal element commits any further crime, the parole is to be revoked and the punishment is to be executed for the punishment that has not been executed for the former crime and the punishment imposed for the latter crime decided according to the stipulations of Article 71 of this law.

If a criminal who is granted parole is discovered to have committed, before the judgment is pronounced, other crimes for which no punishment is imposed, the parole shall be revoked and a combined punishment for several crimes shall be given according to the provisions of Article 70 of this Law.

Where a convict released on parole violates any provision of laws, administrative regulations or the relevant department of the State Council on parole supervision and management during parole, if it does not constitute a new crime, his parole shall be revoked under statutory procedures, and he shall be taken into custody to serve his

第八十二条

【假释的程序】对于犯罪分子的假释，依照本法第七十九条规定的程序进行。非经法定程序不得假释。

第八十三条 【假释的考验期限】有期徒刑的假释考验期限，为没有执行完毕的刑期；无期徒刑的假释考验期限为十年。

假释考验期限，从假释之日起计算。

第八十四条 【假释犯应遵守的规定】被宣告假释的犯罪分子，应当遵守下列规定：

（一）遵守法律、行政法规，服从监督；

（二）按照监督机关的规定报告自己的活动情况；

（三）遵守监督机关关于会客的规定；

（四）离开所居住的市、县或者迁居，应当报经监督机关批准。

第八十五条 【假释考验及其积极后果】对假释的犯罪分子，在假释考验期限内，依法实行社区矫正，如果没有本法第八十六条规定的情形，假释考验期满，就认为原判刑罚已经执行完毕，并公开予以宣告。

第八十六条 【假释的撤销及其处理】被假释的犯罪分子，在假释考验期限内犯新罪，应当撤销假释，依照本法第七十一条的规定实行数罪并罚。

在假释考验期限内，发现被假释的犯罪分子在判决宣告以前还有其他罪没有判决的，应当撤销假释，依照本法第七十条的规定实行数罪并罚。

被假释的犯罪分子，在假释考验期限内，有违反法律、行政法规或者国务院有关部门关于假释的监督管理规定的行为，尚未构成新的犯罪的，应当

remaining term of sentence.

依照法定程序撤销假释，收监执行未执行完毕的刑罚。

Section 8 . Limitation

第八节 时效

Article 87 . Crimes are not to be prosecuted where the following periods have elapsed:

第八十七条 【追诉时效期限】 犯罪经过下列期限不再追诉：

(1) in cases where the maximum legally-prescribed punishment is fixed-term imprisonment of less than five years, where five years have elapsed;

（一）法定最高刑为不满五年有期徒刑的，经过五年；

(2) in cases where the maximum legally-prescribed punishment is fixed-term imprisonment of not less than five years and less than ten years, where ten years have elapsed.

（二）法定最高刑为五年以上不满十年有期徒刑的，经过十年；

(3) in cases where the maximum fixed-term imprisonment is not less than ten years, where fifteen years have elapsed.

（三）法定最高刑为十年以上有期徒刑的，经过十五年；

(4) in cases where the maximum legally-prescribed punishment is life-imprisonment or death, where twenty Years have elapsed. If it is considered that a crime must be prosecuted after twenty years, the matter must be submitted to the Supreme People's Procuratorate for approval.

（四）法定最高刑为无期徒刑、死刑的，经过二十年。如果二十年以后认为必须追诉的，须报请最高人民法院核准。

Article 88 . No limitation on the period for prosecution is to be imposed in cases where, after the people's procuratorates, public security organs, or state security organs have filed to investigate or after the people's courts have decided to hear the cases, the criminal element escapes from investigation or adjudication.

第八十八条 【追诉期限的延长】 在人民检察院、公安机关、国家安全机关立案侦查或者在人民法院受理案件以后，逃避侦查或者审判的，不受追诉期限的限制。

No limitation on the period for prosecution is to be imposed in cases where, after the victims filed charges within the period for prosecution, the people's court, people's procuratorates, or public security organs refused to file for investigation as they should.

被害人在追诉期限内提出控告，人民法院、人民检察院、公安机关应当立案而不予立案的，不受追诉期限的限制。

Article 89 . The period for prosecution is counted as commencing on the date of the crime; if the criminal act is of a continuous or continuing nature, it is counted as commencing on the date the criminal act is completed.

第八十九条 【追诉期限的计算与中断】 追诉期限从犯罪之日起计算；犯罪行为有连续或者继续状态的，从犯罪行为终了之日起计算。

If any further crime is committed during the period for prosecution, the period for prosecution of the former crime is counted as commencing on the date of the latter crime.

在追诉期限以内又犯罪的，前罪追诉的期限从犯后罪之日起计算。

Chapter V Other Provisions

第五章 其他规定

Article 90 . In situations where the autonomous areas inhabited by ethnic groups cannot completely apply the stipulations of this law, the people's congresses of the autonomous regions or of the provinces may formulate alternative or supplementary provisions based upon the political, economic, and cultural characteristics of the local ethnic groups and the basic principles of the stipulations of this law, and these provisions shall go into effect after they have been submitted to and approved by the

第九十条 【民族自治地方刑法适用的变通】 民族自治地方不能全部适用本法规定的，可以由自治区或者省的人民代表大会根据当地民族的政治、经济、文化的特点和本法规定的基本原则，制定变通或者补充的规定，报

National People's Congress Standing Committee.

请全国人民代表大会常务委员会批准施行。

Article 91 . The term "public property" in this law refers to the following property:

第九十一条 【公共财产的范围】本法所称公共财产，是指下列财产：

- (1) property owned by the state;
- (2) property owned collectively by the laboring masses;
- (3) public donations to be used for aiding the poor and other public services, or property of special funds.

- （一）国有财产；
- （二）劳动群众集体所有的财产；
- （三）用于扶贫和其他公益事业的社会捐助或者专项基金的财产。

Private property that is being managed, used or transported by state organs, state-owned corporations, enterprises, collective enterprises, and people's organizations is to be treated as public property.

在国家机关、国有公司、企业、集体企业和人民团体管理、使用或者运输中的私人财产，以公共财产论。

Article 92 . The term "citizens' private property" in this law refers to the following property:

第九十二条 【公民私人所有财产的范围】本法所称公民私人所有的财产，是指下列财产：

- (1) citizens' lawful income, savings, houses and other means of livelihood;
- (2) means of production that are under individual or family ownership according to law;
- (3) lawful property of independent businesses and private enterprises;
- (4) shares, stocks, securities and other property that are under individual ownership according to law.

- （一）公民的合法收入、储蓄、房屋和其他生活资料；
- （二）依法归个人、家庭所有的生产资料；
- （三）个体户和私营企业的合法财产；
- （四）依法归个人所有的股份、股票、债券和其他财产。

Article 93 . The term "state personnel" in this law refers to all personnel of state organs.

第九十三条 【国家工作人员的范围】本法所称国家工作人员，是指国家机关中从事公务的人员。

Personnel engaged in public service in state-owned corporations, enterprises, institutions, and people's organizations; and personnel which state organs, state-owned corporations, enterprises, and institutions assign to engage in public service in non state-owned corporations, enterprises, institutions, and social organizations; as well as other working personnel engaged in public service according to the law, are to be treated as state personnel.

国有公司、企业、事业单位、人民团体中从事公务的人员和国家机关、国有公司、企业、事业单位委派到非国有公司、企业、事业单位、社会团体从事公务的人员，以及其他依照法律从事公务的人员，以国家工作人员论。

Article 94 . The term "judicial personnel" in this law refers to personnel engaged in the functions of investigating, prosecuting, adjudicating, supervising and controlling offenders.

第九十四条 【司法工作人员的范围】本法所称司法工作人员，是指有侦查、检察、审判、监管职责的工作人员。

Article 95 . The term "serious injury" in this law refers to any one of the following injuries:

第九十五条 【重伤】本法所称重伤，是指有下列情形之一的伤害：

(1) injuries resulting in loss of the use of a person's limbs or disfigurement;

(一) 使人肢体残废或者毁人容貌的;

(2) injuries resulting in loss of the use of a person's hearing, sight, or functions of any other organ; or

(二) 使人丧失听觉、视觉或者其他器官机能的;

(3) other injuries that cause grave harm to a person's physical health.

(三) 其他对于人身健康有重大伤害的。

Article 96 . The phrase "violating state stipulations" in this law refers to violation of laws and decisions formulated by the National People's Congress or the National People's Congress Standing Committee; and administrative measures prescribed in administrative ordinance and regulations formulated by the State Council; as well as decisions and decrees the State Council promulgated.

第九十六条 【违反国家规定之含义】

本法所称违反国家规定，是指违反全国人民代表大会及其常务委员会制定的法律和决定，国务院制定的行政法规、规定的行政措施、发布的决定和命令。

Article 97 . The term "ringleader" in this law refers to a criminal element who plays the role of organizing, planning or directing a criminal group or a crowd assembled to commit a crime.

第九十七条 【首要分子的范围】本法所称首要分子，是指在犯罪集团或者聚众犯罪中起组织、策划、指挥作用的犯罪分子。

Article 98 . The phrase "To be handled only upon complaint" in this law refers to handling a case only when the victim files a complaint. If the victim is unable to file a complaint because of coercion or intimidation, a people's procuratorate and the victim's close relatives may also file the complaint.

第九十八条 【告诉才处理的含义】

本法所称告诉才处理，是指被害人告诉才处理。如果被害人因受强制、威胁无法告诉的，人民检察院和被受害人的近亲属也可以告诉。

Article 99 . Such phrases as "not less than," "not more than" and "within" in this law all include the given figure.

第九十九条 【以上、以下、以内之界定】本法所称以上、以下、以内，包括本数。

Article 100 . When people join the military, or seek employment, those who received criminal punishments according to law shall factually report to the relevant units the punishments they had received and may not conceal them.

第一百条 【前科报告制度】依法受过刑事处罚的人，在入伍、就业的时候，应当如实向有关单位报告自己曾受过刑事处罚，不得隐瞒。

Whoever is given a penalty lighter than imprisonment of 5 years for a crime committed under the age of 18 shall be exempted from the reporting obligation as mentioned in the preceding paragraph.

犯罪的时候不满十八周岁被判处五年有期徒刑以下刑罚的人，免除前款规定的报告义务。

Article 101 . The General Provisions of this law are applicable to other laws and decrees with stipulations for criminal punishments, but other laws having special stipulations are exceptions.

第一百零一条 【总则的效力】本法总则适用于其他有刑罚规定的法律，但是其他法律有特别规定的除外。

Part II Special Provisions

第二编 分则

Chapter I Crimes of Endangering National Security

第一章 危害国家安全罪

Article 102 . Whoever colludes with foreign states in plotting to harm the motherland's sovereignty, territorial integrity and security is to be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment.

第一百零二条 【背叛国家罪】勾结外国，危害中华人民共和国的主权、领土完整和安全的，处无期徒刑或者

Whoever commits the crimes in the preceding paragraph in collusion with institutions, organization, or individuals outside the country shall be punished according to the stipulations in the preceding paragraph.

Article 103 . Whoever organizes, plots, or acts to split the country or undermine national unification, the ringleader, or the one whose crime is grave, is to be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment; other active participants are to be sentenced to not less than three but not more than 10 years of fixed-term imprisonment; and other participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Whoever instigates to split the country and undermine national unification is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; ringleaders or those whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.

Article 104 . Whoever organizes, plots, or carries out armed rebellion, or armed riots, the ringleaders, or those whose crimes are grave, are to be sentenced to life imprisonment, or not less than 10 years of fixed-term imprisonment; the active participants are to be sentenced from not less than three to not more than 10 years of fixed-term imprisonment; and other participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Whoever instigates, coerces, lures, and bribes state personnel, members of the armed forces, people's police or people's militia to carry out armed rebellion or armed riot are to be heavily punished according to the stipulations in the preceding paragraph.

Article 105 . Whoever organizes, plots, or acts to subvert the political power of the state and overthrow the socialist system, the ringleaders or those whose crimes are grave are to be sentenced to life imprisonment, or not less than 10 years of fixed-term imprisonment; active participants are to be sentenced from not less than three years to not more than 10 years of fixed-term imprisonment; other participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Whoever instigates the subversion of the political power of the state and overthrow the socialist system through spreading rumors, slander, or other ways are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; the ringleaders and those

十年以上有期徒刑。

与境外机构、组织、个人相勾结，犯前款罪的，依照前款的规定处罚。

第一百零三条 【分裂国家罪】组织、策划、实施分裂国家、破坏国家统一的，对首要分子或者罪行重大的，处无期徒刑或者十年以上有期徒刑；对积极参加的，处三年以上十年以下有期徒刑；对其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

【煽动分裂国家罪】煽动分裂国家、破坏国家统一的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利；首要分子或者罪行重大的，处五年以上有期徒刑。

第一百零四条 【武装叛乱、暴乱罪】组织、策划、实施武装叛乱或者武装暴乱的，对首要分子或者罪行重大的，处无期徒刑或者十年以上有期徒刑；对积极参加的，处三年以上十年以下有期徒刑；对其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

策动、胁迫、勾引、收买国家机关工作人员、武装部队人员、人民警察、民兵进行武装叛乱或者武装暴乱的，依照前款的规定从重处罚。

第一百零五条 【颠覆国家政权罪】组织、策划、实施颠覆国家政权、推翻社会主义制度的，对首要分子或者罪行重大的，处无期徒刑或者十年以上有期徒刑；对积极参加的，处三年以上十年以下有期徒刑；对其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

【煽动颠覆国家政权罪】以造谣、诽谤或者其他方式煽动颠覆国家政权、推翻社会主义制度的，处五年以下有期徒刑、拘役、管制或者剥夺政治权

whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.

Article 106 . Whoever colludes with institutions, organizations, or individuals outside the country and commits crimes stipulated in Articles 103, 104, and 105 of this chapter are to be heavily punished according to the stipulations in the articles.

Article 107 . Where any domestic or overseas institution, organization or individual provides financial support for the commission of a crime as provided for in Article 102, 103, 104 or 105 of this Chapter, the directly liable person shall be sentenced to imprisonment of not more than 5 years, limited incarceration, probation or deprivation of political rights; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years.

Article 108 . Whoever defects to the enemy and turns traitor is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment; when the circumstances are serious or when it is a case of leading a group of armed personnel, people's police, or militia to defect to the enemy and turn traitor, the sentence is to be not less than ten years of fixed-term imprisonment or life imprisonment.

Article 109 . A state functionary who, in the course of performing his official duties, leaves his post without permission and flees this country or flees when he is already outside this country shall be sentenced to imprisonment of not more than 5 years, limited incarceration, probation or deprivation of political rights; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years.

A state functionary knowing any national secret, who flees this country or flees when he is already outside this country, shall be given a heavier penalty according to the provision of the preceding paragraph.

Article 110 . Whoever commits any of the following acts of espionage and endangers national security is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; when the circumstances are relatively minor, the sentence is to be not less than three years and not more than ten years of fixed-term imprisonment:

- (1) Joining an espionage organization or accepting a mission assigned by it or its agent; or
- (2) Pointing out bombing or shelling targets to the enemy.

Article 111 . Whoever steals, secretly gathers, purchases, or illegally provides state secrets or intelligence for an organization, institution, or personnel outside the country is to be sentenced from not less than five years to not more than 10 years of fixed-term

利; 首要分子或者罪行重大的, 处五年以上有期徒刑。

第一百零六条 【与境外勾结的处罚规定】与境外机构、组织、个人相勾结, 实施本章第一百零三条、第一百零四条、第一百零五条规定之罪的, 依照各该条的规定从重处罚。

第一百零七条 【资助危害国家安全犯罪活动罪】境内外机构、组织或者个人资助实施本章第一百零二条、第一百零三条、第一百零四条、第一百零五条规定之罪的, 对直接责任人员, 处五年以下有期徒刑、拘役、管制或者剥夺政治权利; 情节严重的, 处五年以上有期徒刑。

第一百零八条 【投敌叛变罪】投敌叛变的, 处三年以上十年以下有期徒刑; 情节严重或者带领武装部队人员、人民警察、民兵投敌叛变的, 处十年以上有期徒刑或者无期徒刑。

第一百零九条 【叛逃罪】国家机关工作人员在履行公务期间, 擅离岗位, 叛逃境外或者在境外叛逃的, 处五年以下有期徒刑、拘役、管制或者剥夺政治权利; 情节严重的, 处五年以上十年以下有期徒刑。

掌握国家秘密的国家工作人员叛逃境外或者在境外叛逃的, 依照前款的规定从重处罚。

第一百一十条 【间谍罪】有下列间谍行为之一, 危害国家安全的, 处十年以上有期徒刑或者无期徒刑; 情节较轻的, 处三年以上十年以下有期徒刑:

- (一) 参加间谍组织或者接受间谍组织及其代理人的任务的;
- (二) 为敌人指示轰击目标的。

第一百一十一条 【为境外窃取、刺探、收买、非法提供国家秘密、情报罪】为境外的机构、组织、人员窃取、

imprisonment; when circumstances are particularly serious, he is to be sentenced to not less than 10 years of fixed-term imprisonment, or life sentence; and when circumstances are relatively minor, he is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Article 112 . Whoever supplies arms and ammunition or other military materials to an enemy during war time is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; and when the circumstances are relatively minor, he will be sentenced a fixed-term imprisonment from not less than three years to not more than 10 years.

Article 113 . When one commits the aforementioned crimes in this chapter that endanger national security -- except those stipulated in the second clause of Article 103, and Articles 105, 107 and 109 -- and has incurred particularly serious harms to the country and the people, and the circumstances are particularly vile, he may be sentenced to death.

Whoever commits the crimes in this chapter may also be punished by having his property confiscated.

Chapter II Crimes of Endangering Public Security

Article 114 . Whoever commits arson, breaches dikes, causes explosions, spreads pathogen of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to endanger public security, but causes no serious consequences, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years.

Article 115 . Whoever commits arson, breaches dikes, causes explosions, spreads pathogens of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to have inflicted any serious injury or death on people or caused heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

Whoever commits the crimes in the preceding paragraph negligently is to be sentenced to not less than three years to not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment, or limited incarceration, when circumstances are relatively minor.

刺探、收买、非法提供国家秘密或者情报的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑；情节较轻的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

第一百一十二条 【资敌罪】战时供给敌人武器装备、军用物资资敌的，处十年以上有期徒刑或者无期徒刑；情节较轻的，处三年以上十年以下有期徒刑。

第一百一十三条 【危害国家安全罪适用死刑、没收财产的规定】本章上述危害国家安全罪行中，除第一百零三条第二款、第一百零五条、第一百零七条、第一百零九条外，对国家和人民危害特别严重、情节特别恶劣的，可以判处死刑。

犯本章之罪的，可以并处没收财产。

第二章 危害公共安全罪

第一百一十四条 【放火罪】【决水罪】【爆炸罪】【投放危险物质罪】【以危险方法危害公共安全罪】放火、决水、爆炸以及投放毒害性、放射性、传染病病原体等物质或者以其他危险方法危害公共安全，尚未造成严重后果的，处三年以上十年以下有期徒刑。

第一百一十五条 【放火罪】【决水罪】【爆炸罪】【投放危险物质罪】【以危险方法危害公共安全罪】放火、决水、爆炸以及投放毒害性、放射性、传染病病原体等物质或者以其他危险方法致人重伤、死亡或者使公私财产遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

【失火罪】【过失决水罪】【过失爆炸罪】【过失投放危险物质罪】【过失以危险方法危害公共安全罪】过失犯前款罪的，处三年以上七年以下有

Article 116 . Whoever sabotages trains, motor vehicles, streetcars, ships, or airplanes in a manner sufficient to threaten the overturning or destruction of these trains, motor vehicles, streetcars, ships, or airplanes is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment, in cases when serious consequences have not been caused.

Article 117 . Whoever sabotages railroads, bridges, tunnels, highways, airports, waterways, lighthouses or signs, or conducts other destructive activities in a manner sufficient to threaten the overturning or destruction of trains, motor vehicles, streets, ships or airplanes, is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment in cases where serious consequences have not been caused.

Article 118 . Whoever endangers public security by sabotaging electric power, gas or other combustible or explosive equipment is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment in cases where serious consequences have not been caused.

Article 119 . Whoever causes serious consequences by sabotaging means of transportation, transportation equipment, electric power or gas equipment, or combustible or explosive equipment is to be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment, or death.

Whoever commits the crime in the preceding paragraph negligently is to be sentenced to not less than three years but not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment, or limited incarceration if circumstances are relatively minor.

Article 120 . Whoever organizes or leads a terrorist organization shall be sentenced to imprisonment of not less than ten years or life imprisonment and a forfeiture of property; whoever actively participates in a terrorist organization shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; and other participants shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights and may be fined in addition.

期徒刑；情节较轻的，处三年以下有期徒刑或者拘役。

第一百一十六条 【破坏交通工具罪】
破坏火车、汽车、电车、船只、航空器，足以使火车、汽车、电车、船只、航空器发生倾覆、毁坏危险，尚未造成严重后果的，处三年以上十年以下有期徒刑。

第一百一十七条 【破坏交通设施罪】
破坏轨道、桥梁、隧道、公路、机场、航道、灯塔、标志或者进行其他破坏活动，足以使火车、汽车、电车、船只、航空器发生倾覆、毁坏危险，尚未造成严重后果的，处三年以上十年以下有期徒刑。

第一百一十八条 【破坏电力设备罪】
【破坏易燃易爆设备罪】破坏电力、燃气或者其他易燃易爆设备，危害公共安全，尚未造成严重后果的，处三年以上十年以下有期徒刑。

第一百一十九条 【破坏交通工具罪】
【破坏交通设施罪】【破坏电力设备罪】【破坏易燃易爆设备罪】破坏交通工具、交通设施、电力设备、燃气设备、易燃易爆设备，造成严重后果的，处十年以上有期徒刑、无期徒刑或者死刑。

【过失损坏交通工具罪】【过失损坏交通设施罪】【过失损坏电力设备罪】
【过失损坏易燃易爆设备罪】过失犯前款罪的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑或者拘役。

第一百二十条 【组织、领导、参加恐怖组织罪】组织、领导恐怖活动组织的，处十年以上有期徒刑或者无期徒刑，并处没收财产；积极参加的，处三年以上十年以下有期徒刑，并处罚金；其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，可以并处罚金。

Whoever commits the crime as provided for in the preceding paragraph and also commits murder, explosion, kidnapping or any other crime shall be punished according to the provisions on the joinder of penalties for plural crimes.

Article 120 (I): Any individual who provides financial support to a terrorist organization or conducts terrorist activities, or provides training on terrorist activities shall be sentenced to imprisonment of not more than five years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property.

Whoever knowingly recruits, trains or transports any member workforce for any terrorist organization, for conducting any terrorist activities or for any terrorist activities shall be punished in accordance with the provisions of the preceding paragraph.

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on the entity, and the directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Article 120 (II): Whoever falls under any of the following circumstances shall be sentenced to imprisonment of not more than five years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property if the circumstances are serious.

- (1) Preparing lethal weapons, hazardous articles or other tools for conducting terrorist activities.
- (2) Organizing training on terrorist activities or actively participating in training on terrorist activities.
- (3) Contacting any overseas terrorist organization or person for the purpose of conducting terrorist activities.
- (4) Making a plan or any other preparation for conducting terrorist activities.

Whoever commits any other crime while committing a crime as provided for in the preceding paragraph shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 120 (III) : Whoever advocates terrorism or extremism or instigates terrorist activities by way of preparing or distributing any book, audio or video materials or any other article advocating terrorism or extremism or by instructing or issuing information shall be sentenced to imprisonment of not more than five years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the

犯前款罪并实施杀人、爆炸、绑架等犯罪的，依照数罪并罚的规定处罚。

第一百二十条 之一 【帮助恐怖活动罪】资助恐怖活动组织、实施恐怖活动的个人的，或者资助恐怖活动培训的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产。

为恐怖活动组织、实施恐怖活动或者恐怖活动培训招募、运送人员的，依照前款的规定处罚。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百二十条 之二 【准备实施恐怖活动罪】有下列情形之一的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产：

- （一）为实施恐怖活动准备凶器、危险物品或者其他工具的；
- （二）组织恐怖活动培训或者积极参加恐怖活动培训的；
- （三）为实施恐怖活动与境外恐怖活动组织或者人员联络的；
- （四）为实施恐怖活动进行策划或者其他准备的。

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第一百二十条 之三 【宣扬恐怖主义、极端主义、煽动实施恐怖活动罪】以制作、散发宣扬恐怖主义、极端主义的图书、音频视频资料或者其他物品，或者通过讲授、发布信息等方式宣扬

circumstances are serious, be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property.

Article 120 (IV): Whoever, by using extremism, instigates or coerces the public to sabotage the implementation of the marriage, judicial, education, social management or any other system determined in national laws shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine; be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are serious; or be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property if the circumstances are especially serious.

Article 120 (V): Whoever forces anyone else to wear the costume or symbol that advocates terrorism or extremism in a public place by means of violence or coercion, etc. shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine.

Article 120 (VI): Whoever illegally holds any book, audio or video materials or any other article while obviously aware that it advocates terrorism or extremism shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine, or be sentenced to a fine only.

Article 121 . Whoever hijacks an airplane through violence, coercion, or other means is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; or death if the hijacking causes serious injuries, death, or serious destruction of the airplane.

Article 122 . Whoever hijacks a ship or motor vehicle through violence, coercion, or other means is to be sentenced to not less than five years but not more than 10 years of fixed-term imprisonment; or not less than 10 years of fixed-term imprisonment, of life imprisonment, if the hijacking causes serious consequences.

Article 123 . Whoever uses violence on personnel on an in-flight airplane and endangers flying safety is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration in case no serious consequences have been caused; or not less than five years of fixed-term imprisonment if serious consequences have been caused.

恐怖主义、极端主义的，或者煽动实施恐怖活动的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产。

第一百二十条 之四 【利用极端主义破坏法律实施罪】利用极端主义煽动、胁迫群众破坏国家法律确立的婚姻、司法、教育、社会管理等制度实施的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，处七年以上有期徒刑，并处罚金或者没收财产。

第一百二十条 之五 【强制穿戴宣扬恐怖主义、极端主义服饰、标志罪】以暴力、胁迫等方式强制他人在公共场所穿着、佩戴宣扬恐怖主义、极端主义服饰、标志的，处三年以下有期徒刑、拘役或者管制，并处罚金。

第一百二十条 之六 【非法持有宣扬恐怖主义、极端主义物品罪】明知是宣扬恐怖主义、极端主义的图书、音频视频资料或者其他物品而非法持有，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

第一百二十一条 【劫持航空器罪】以暴力、胁迫或者其他方法劫持航空器的，处十年以上有期徒刑或者无期徒刑；致人重伤、死亡或者使航空器遭受严重破坏的，处死刑。

第一百二十二条 【劫持船只、汽车罪】以暴力、胁迫或者其他方法劫持船只、汽车的，处五年以上十年以下有期徒刑；造成严重后果的，处十年以上有期徒刑或者无期徒刑。

第一百二十三条 【暴力危及飞行安全罪】对飞行中的航空器上的人员使用暴力，危及飞行安全，尚未造成严重后果的，处五年以下有期徒刑或者拘役；造成严重后果的，处五年以上有期徒刑。

Article 124 . Whoever sabotages radio and television broadcasting facilities, public telecommunications facilities, and endangers public safety is to be sentenced to not less than three years but not more than seven years of fixed-term imprisonment; or not less than seven years of fixed-term imprisonment if serious consequences have been caused.

Whoever commits the crime in the preceding paragraph negligently is to be sentenced to not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment or limited incarceration in case the circumstances are relatively minor.

Article 125 . Whoever illegally manufactures, trades, transports, mails, or stocks up guns, ammunition, or explosives is to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment; or not less than 10 years of imprisonment, life imprisonment, or death if the consequences are serious.

Whoever illegally manufactures, trades, transports or stores pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, shall be punished in accordance with the provisions in the preceding paragraph.

If a unit commits the crime in the preceding two paragraphs, the unit will be fined, and its direct person in charge and other persons in charge are to be punished according to the regulations in the first paragraph.

Article 126 . Any enterprises which are legally designated or determined to manufacture or sell guns, violate the regulations governing gun management by performing one of the following acts, the units are to be fined and personnel who are in charge and directly responsible together with other personnel who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment; when the consequences are serious, to not less than five years and not more than ten years of fixed-term imprisonment ; when the consequences are particularly serious, to not less than 10 years of fixed- term imprisonment or life imprisonment:

(1) for the purpose of illegal sale, manufacture or allocation guns whose numbers exceed quotas or whose varieties do not meet the regulations;

(2) for the purpose of illegal sale, manufacture guns without a number, or with an overlapped number, or with a fake number;

(3) illegally sell guns or sell guns manufactured for export inside the territory .

第一百二十四条

【破坏广播电视设施、公用电信设施罪】破坏广播电视设施、公用电信设施，危害公共安全的，处三年以上七年以下有期徒刑；造成严重后果的，处七年以上有期徒刑。

【过失损坏广播电视设施、公用电信设施罪】过失犯前款罪的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑或者拘役。

第一百二十五条 【非法制造、买卖、运输、邮寄、储存枪支、弹药、爆炸物罪】非法制造、买卖、运输、邮寄、储存枪支、弹药、爆炸物的，处三年以上十年以下有期徒刑；情节严重的，处十年以上有期徒刑、无期徒刑或者死刑。

【非法制造、买卖、运输、储存危险物质罪】非法制造、买卖、运输、储存毒害性、放射性、传染病病原体等物质，危害公共安全的，依照前款的规定处罚。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百二十六条 【违规制造、销售枪支罪】依法被指定、确定的枪支制造企业、销售企业，违反枪支管理规定，有下列行为之一的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑：

（一）以非法销售为目的，超过限额或者不按照规定的品种制造、配售枪支的；

（二）以非法销售为目的，制造无号、重号、假号的枪支的；

（三）非法销售枪支或者在境内销售

Article 127 . Whoever steals or forcibly seizes any gun, ammunition or explosive, or steals or forcibly seizes pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

Whoever robs any gun, ammunition or explosive, or robs pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, or steals or forcibly seizes any gun, ammunition or explosive from State organs, members of the armed forces, the police or the people's militia, shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

Article 128 . Whoever violates the regulations governing gun management by owning or unlawfully possessing, guns and ammunition is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; when the circumstances are serious, to not less than three years and not more than seven years of fixed-term imprisonment.

Any personnel who are provided with official-use guns who illegally lease or lend the guns are to be punished in accordance with the previous paragraph.

Any personnel who are provided with official-use guns who illegally lease or lend the guns, thereby causing serious consequences are to be punished in accordance with the first paragraph.

Any units committing such crimes as stated in the second and third paragraph, are to be fined and personnel who are in charge and directly responsible are to be punished in accordance with the regulation of the first paragraph.

Article 129 . Any personnel who are provided with official-use guns who lose the guns without reporting the loss in a timely fashion, thereby causing serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Article 130 . Whoever illegally carries guns, ammunition, controlled knives and tools, articles of an explosive, combustible, radioactive, poisonous or corrosive nature into a

为出口制造的枪支的。

第一百二十七条 【盗窃、抢夺枪支、弹药、爆炸物、危险物质罪】盗窃、抢夺枪支、弹药、爆炸物的，或者盗窃、抢夺毒性、放射性、传染病病原体等物质，危害公共安全的，处三年以上十年以下有期徒刑；情节严重的，处十年以上有期徒刑、无期徒刑或者死刑。

【抢劫枪支、弹药、爆炸物、危险物质罪】【盗窃、抢夺枪支、弹药、爆炸物、危险物质罪】抢劫枪支、弹药、爆炸物的，或者抢劫毒性、放射性、传染病病原体等物质，危害公共安全的，或者盗窃、抢夺国家机关、军警人员、民兵的枪支、弹药、爆炸物的，处十年以上有期徒刑、无期徒刑或者死刑。

第一百二十八条 【非法持有、私藏枪支、弹药罪】违反枪支管理规定，非法持有、私藏枪支、弹药的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上七年以下有期徒刑。

【非法出租、出借枪支罪】依法配备公务用枪的人员，非法出租、出借枪支的，依照前款的规定处罚。

【非法出租、出借枪支罪】依法配置枪支的人员，非法出租、出借枪支，造成严重后果的，依照第一款的规定处罚。

单位犯第二款、第三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百二十九条 【丢失枪支不报罪】依法配备公务用枪的人员，丢失枪支不及时报告，造成严重后果的，处三年以下有期徒刑或者拘役。

第一百三十条 【非法携带枪支、弹药、管制刀具、危险物品危及公共安

public place or public transportation vehicle, thereby endangering public safety, is to be sentenced, when the circumstances are serious, to not more than three years of fixed-term imprisonment, limited incarceration, or probation when the circumstances are serious.

Article 131 . Any aviation personnel who violate the rules and regulations thereby causing major air accidents and serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when causing the crash of an airplane or the death of personnel are to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment.

Article 132 . Any railway staff and workers who violate the rules and regulations thereby giving rise to accidents affecting the safety of railway operation are to be sentenced to not less than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, to not less than three years and not more than seven years of fixed-term imprisonment.

Article 133 . Whoever violates traffic and transportation laws and regulations thereby giving rise to major accidents involving severe injuries, deaths, or great losses of public and private properties are to be sentenced to not more than three years of fixed-term imprisonment; when fleeing the scene after an traffic and transportation accident or under other particularly odious circumstances, to not less than three years and not more than seven years of fixed-term imprisonment; when running away causes a person's death, to not less than seven years of fixed-term imprisonment.

Article 133 (I): Whoever drives a motor vehicle on a road under any of the following circumstances shall be sentenced to limited incarceration in addition to a fine.

- (1) Racing a motor vehicle on a road with execrable circumstances.
- (2) Driving a motor vehicle on a road while intoxicated.
- (3) Engaging in the school bus business or passenger transport and carrying passengers by loading much more than the fixed number of passengers, or driving the vehicle by seriously exceeding the prescribed speed.
- (4) Transporting any hazardous chemical in violation of the provisions on the safety administration of hazardous chemicals, which endangers public safety.

The motor vehicle owner or manager who is directly liable for the conduct as mentioned in item (3) or (4) of the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

Whoever commits any other crime while committing a crime as mentioned in the

全罪】非法携带枪支、弹药、管制刀具或者爆炸性、易燃性、放射性、毒害性、腐蚀性物品，进入公共场所或者公共交通工具，危及公共安全，情节严重的，处三年以下有期徒刑、拘役或者管制。

第一百三十一条 【重大飞行事故罪】航空人员违反规章制度，致使发生重大飞行事故，造成严重后果的，处三年以下有期徒刑或者拘役；造成飞机坠毁或者人员死亡的，处三年以上七年以下有期徒刑。

第一百三十二条 【铁路运营安全事故罪】铁路职工违反规章制度，致使发生铁路运营安全事故，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

第一百三十三条 【交通肇事罪】违反交通运输管理法规，因而发生重大事故，致人重伤、死亡或者使公私财产遭受重大损失的，处三年以下有期徒刑或者拘役；交通运输肇事后逃逸或者有其他特别恶劣情节的，处三年以上七年以下有期徒刑；因逃逸致人死亡的，处七年以上有期徒刑。

第一百三十三条 之一 【危险驾驶罪】在道路上驾驶机动车，有下列情形之一的，处拘役，并处罚金：

- (一) 追逐竞驶，情节恶劣的；
- (二) 醉酒驾驶机动车的；
- (三) 从事校车业务或者旅客运输，严重超过额定乘员载客，或者严重超过规定时速行驶的；
- (四) 违反危险化学品安全管理规定运输危险化学品，危及公共安全的。

机动车所有人、管理人对前款第三项、第四项行为负有直接责任的，依照前款的规定处罚。

有前两款行为，同时构成其他犯罪的，

preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 133 (II): Whoever inflicts violence on the driver of a public vehicle being driven or grabs the operating devices to try to take control of the public vehicle, disrupting the normal driving of the public vehicle and endangering public security, shall be sentenced to imprisonment of not more than one year, limited incarceration, or probation and a fine or be sentenced to a fine only.

The driver as mentioned in the preceding paragraph who leaves without permission his or her post on the public vehicle being driven and fights with or assaults another person, endangering public security, shall be punished in accordance with the provision of the preceding paragraph.

Whoever commits any conduct set forth in the preceding two paragraphs, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

Article 134 . Where anyone violates the provisions concerning the safety management in production or operations and thus causes any serious casualty or any other serious consequences, he shall be sentenced to fix-term imprisonment of not more than three years or limited incarceration. If the circumstances are extremely severe, he shall be sentenced to fix-term imprisonment of not less than 3 years but not more than 7 years.

Whoever forces by an order another person to operate at risk in violation of rules, or knowing but failing to eliminate the potential risk of a major accident, still organizes operations at risk, causing any major casualty accident or having any other serious consequence, shall be sentenced to imprisonment of not more than five years or limited incarceration; or if the circumstances are especially execrable, shall be sentenced to imprisonment of not less than five years.

Article 134 (I): Whoever falls under any of the following circumstances in violation of the provisions on safety management during production or operations, posing a real danger of causing any major casualty accident or other serious consequence, shall be sentenced to imprisonment of not more than one year, limited incarceration, or probation:

(1) Shutting down or compromising any monitoring, alarm, protection, or lifesaving equipment or facility directly related to work safety or tampering with, concealing, or destroying the relevant data or information.

(2) Whoever falls under any of the following circumstances in violation of the provisions on safety management during production or operations, posing a real danger of causing any major casualty accident or other serious consequence, shall be sentenced to imprisonment of not more than one year, limited incarceration, or

依照处罚较重的规定定罪处罚。

第一百三十三条 之二 对行驶中的公共交通工具的驾驶人员使用暴力或者抢控驾驶操纵装置，干扰公共交通工具正常行驶，危及公共安全的，处一年以下有期徒刑、拘役或者管制，并处或者单处罚金。

前款规定的驾驶人员在行驶的公共交通工具上擅离职守，与他人互殴或者殴打他人，危及公共安全的，依照前款的规定处罚。

有前两款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第一百三十四条 【重大责任事故罪】 在生产、作业中违反有关安全管理的规定，因而发生重大伤亡事故或者造成其他严重后果的，处三年以下有期徒刑或者拘役；情节特别恶劣的，处三年以上七年以下有期徒刑。

【强令违章冒险作业罪】 强令他人违章冒险作业，或者明知存在重大事故隐患而不排除，仍冒险组织作业，因而发生重大伤亡事故或者造成其他严重后果的，处五年以下有期徒刑或者拘役；情节特别恶劣的，处五年以上有期徒刑。

第一百三十四条 之一 在生产、作业中违反有关安全管理的规定，有下列情形之一，具有发生重大伤亡事故或者其他严重后果的现实危险的，处一年以下有期徒刑、拘役或者管制：

（一）关闭、破坏直接关系生产安全的监控、报警、防护、救生设备、设施，或者篡改、隐瞒、销毁其相关数据、信息的；

（二）因存在重大事故隐患被依法责令停产停业、停止施工、停止使用有关设备、设施、场所或者立即采取排除危险的整改措施，而拒不执行的；

probation:

(3) Being engaged in highly dangerous productive or operational activities, such as mining, metal smelting, building construction, and production, distribution, and storage of dangerous articles, without approval or licensing in accordance with the law in matters involving work safety.

Article 135 . Where the facilities or conditions for safe work fail to meet the relevant provisions of the state so that any serious casualty or any other serious consequence is caused, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are particularly severe, he shall be sentenced to fix-term imprisonment of not less than three years but not more than seven years.

Article 135 (I): Where, any of the provisions concerning safety management is violated in the holding of large-scale activities of the masses so that any serious casualty or any other serious consequence is caused, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are particularly severe, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 136 . Whoever violates the regulations on the control of articles of an explosive; combustible, radioactive, poisonous or corrosive nature, thereby giving rise to a major accident in the course of production, storage, transportation or use and causing serious consequences, is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 137 . When construction, design, working, and engineering supervision units violate the state's regulations by reducing the quality standard of the projects, thereby giving rise to a major safety accident, those who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, in addition to fine; when the consequences are particularly serious, the sentence is to be not less than five years and not more than ten years of fixed-term imprisonment, in addition to fine.

Article 138 . When school buildings or educational and teaching facilities are obviously known to be dangerous but measures are not taken or reports are not made in a timely fashion, thereby giving rise to a major accident, those who are directly responsible are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious,

(三) 涉及安全生产的事项未经依法批准或者许可,擅自从事矿山开采、金属冶炼、建筑施工,以及危险物品生产、经营、储存等高度危险的生产作业活动的。

第一百三十五条 【重大劳动安全事故罪】 安全生产设施或者安全生产条件不符合国家规定,因而发生重大伤亡事故或者造成其他严重后果的,对直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役;情节特别恶劣的,处三年以上七年以下有期徒刑。

第一百三十五条 之一 【大型群众性活动重大安全事故罪】 举办大型群众性活动违反安全管理规定,因而发生重大伤亡事故或者造成其他严重后果的,对直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役;情节特别恶劣的,处三年以上七年以下有期徒刑。

第一百三十六条 【危险物品肇事罪】 违反爆炸性、易燃性、放射性、毒害性、腐蚀性物品的管理规定,在生产、储存、运输、使用中发生重大事故,造成严重后果的,处三年以下有期徒刑或者拘役;后果特别严重的,处三年以上七年以下有期徒刑。

第一百三十七条 【工程重大安全事故罪】 建设单位、设计单位、施工单位、工程监理单位违反国家规定,降低工程质量标准,造成重大安全事故的,对直接责任人员,处五年以下有期徒刑或者拘役,并处罚金;后果特别严重的,处五年以上十年以下有期徒刑,并处罚金。

第一百三十八条 【教育设施重大安全事故罪】 明知校舍或者教育教学设施有危险,而不采取措施或者不及时报告,致使发生重大伤亡事故的,对直接责任人员,处三年以下有期徒刑

the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 139 . When rules of fire prevention and control are violated and the notification, given by a supervision organ of fire prevention and control, to take corrective measures are refused, thereby giving rise to severe consequences, those who are directly responsible are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 139 (I): Where, after any safety accident occurs, the person who is obliged to report it fails to report it or makes a false report so that the rescue of the accident is affected and if the circumstances are severe, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are extremely severe, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Chapter III Crimes of Undermining the Order of Socialist Market Economy

Section 1 . Crimes of Manufacturing and Selling Fake and Shoddy Goods

Article 140 . Any producer or seller who mixes up or adulterates products, passes fake imitations for genuine, sells seconds at best quality price, or passes unqualified products as qualified ones, with a sale amount of not less than 50,000 yuan and not more than 200,000 yuan, is to be sentenced to not more than two years of fixed-term imprisonment or limited incarceration and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than 200,000 yuan and not more than 500,000 yuan, is to be sentenced to not less than two years and not more than seven years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than 500,000 yuan and not more than 2 million yuan, is to be sentenced to not less than seven years and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than two million yuan, is to be sentenced to 15 years of fixed-term imprisonment or life imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount or confiscation of property.

Article 141 . Whoever produces or sells any counterfeit drug shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine; if any serious harm is thus caused to human health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the death of a person is thus caused or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death and a fine or forfeiture of property.

或者拘役；后果特别严重的，处三年以上七年以上有期徒刑。

第一百三十九条 【消防责任事故罪】 违反消防管理法规，经消防监督机构通知采取改正措施而拒绝执行，造成严重后果的，对直接责任人员，处三年以上有期徒刑或者拘役；后果特别严重的，处三年以上七年以上有期徒刑。

第一百三十九条 之一 【不报、谎报安全事故罪】 在安全事故发生后，负有报告职责的人员不报或者谎报事故情况，贻误事故抢救，情节严重的，处三年以上有期徒刑或者拘役；情节特别严重的，处三年以上七年以上有期徒刑。

第三章 破坏社会主义市场经济秩序罪

第一节 生产、销售伪劣商品罪

第一百四十条 【生产、销售伪劣产品罪】 生产者、销售者在产品中掺杂、掺假，以假充真，以次充好或者以不合格产品冒充合格产品，销售金额五万元以上不满二十万元的，处二年以下有期徒刑或者拘役，并处或者单处销售金额百分之五十以上二倍以下罚金；销售金额二十万元以上不满五十万元的，处二年以上七年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；销售金额五十万元以上不满二百万元的，处七年以上有期徒刑，并处销售金额百分之五十以上二倍以下罚金；销售金额二百万元以上的，处十五年有期徒刑或者无期徒刑，并处销售金额百分之五十以上二倍以下罚金或者没收财产。

第一百四十一条 【生产、销售假药罪】 生产、销售假药的，处三年以下有期徒刑或者拘役，并处罚金；对人体健康造成严重危害或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；致人死亡或者有其他特别严重情节的，处十年以上有期徒刑

Where any employee of an entity using drug products knowingly provides a counterfeit drug to others for use, the employee shall be punished in accordance with the provision of the preceding paragraph.

Article 142 . Whoever produces or sells any substandard drug, causing any serious harm to human health, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the consequences are especially serious, shall be sentenced to imprisonment of not less than ten years or life imprisonment and a fine or forfeiture of property.

Where any employee of an entity using drug products knowingly provides a substandard drug to others for use, the employee shall be punished in accordance with the provision of the preceding paragraph.

Article 142 (I): Whoever falls under any of the following circumstances in violation of the legislation on drug administration, which suffices to cause any serious harm to human health, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; or if any serious harm is caused to human health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than seven years and a fine:

(1) Producing or selling any drug product prohibited by the medical products administration of the State Council from use.(1) Producing or selling any drug product prohibited by the medical products administration of the State Council from use.

(2) Producing or importing any drug product without obtaining the documents certifying the relevant approval of the drug product or knowingly selling such a drug product.

(3) Applying for drug product registration by providing any false certificate, data, material, or sample or any other deceptive means.

(4) Fabricating production or inspection records.

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes a crime provided for in Article 141 or 142 of this Law or any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

Article 143 . Whoever produces or sells food not up to the food safety standards which may cause any serious food poisoning accident or any other serious food-borne disease shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but

刑、无期徒刑或者死刑，并处罚金或者没收财产。

药品使用单位的人员明知是假药而提供给他人使用的，依照前款的规定处罚。

第一百四十二条 【生产、销售劣药罪】生产、销售劣药，对人体健康造成严重危害的，处三年以上十年以下有期徒刑，并处罚金；后果特别严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

药品使用单位的人员明知是劣药而提供给他人使用的，依照前款的规定处罚。

第一百四十二条 之一 违反药品管理法规，有下列情形之一，足以严重危害人体健康的，处三年以下有期徒刑或者拘役，并处或者单处罚金；对人体健康造成严重危害或者有其他严重情节的，处三年以上七年以下有期徒刑，并处罚金：

（一）生产、销售国务院药品监督管理部门禁止使用的药品的；

（二）未取得药品相关批准证明文件生产、进口药品或者明知是上述药品而销售的；

（三）药品申请注册中提供虚假的证明、数据、资料、样品或者采取其他欺骗手段的；

（四）编造生产、检验记录的。

有前款行为，同时又构成本法第一百四十一条、第一百四十二条规定之罪或者其他犯罪的，依照处罚较重的规定定罪处罚。

第一百四十三条 【生产、销售不符合安全标准的食品罪】生产、销售不符合食品安全标准的食品，足以造成严重食物中毒事故或者其他严重食源性疾病的，处三年以下有期徒刑或者

not more than 7 years and a fine; or if there are especially serious consequences, shall be sentenced to imprisonment of not less than 7 years or life imprisonment and a fine or forfeiture of property.

Article 144 . Whoever mixes poisonous or harmful non-food raw materials into food produced or sold or knowingly sells food mixed with poisonous or harmful non-food raw materials shall be sentenced to imprisonment of not more than 5 years and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; or if any human death is caused or there is any other especially serious circumstance, shall be punished according to the provisions of Article 141 of this Law.

Article 145 . Whoever produces medical apparatuses and instruments or medical hygiene materials that are not up to the national or industrial standards for safeguarding human health or sells such things while clearly knowing the fact, and if it is serious enough to endanger human health, shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration and shall also be fined not less than half but not more than two times the sales revenue; if it causes serious harm to human health, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than half but not more than two times the sales revenue; if the consequence is especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined not less than half but not more than two times the sales revenue or be sentenced to confiscation of property.

Article 146 . Whoever produces electrical appliances, pressure containers, explosive and combustible products that do not conform with the standards of the state and the trade aiming to protect the human safety and property or other products that do not conform with such standards or knowingly sells the above-mentioned products thereby giving rise to serious consequences is to be sentenced to not more than five years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the consequences are particularly serious, the sentence is to be not less than five years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale.

拘役，并处罚金；对人体健康造成严重危害或者有其他严重情节的，处三年以上七年以下有期徒刑，并处罚金；后果特别严重的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

第一百四十四条 【生产、销售有毒、有害食品罪】在生产、销售的食品中掺入有毒、有害的非食品原料的，或者销售明知掺有有毒、有害的非食品原料的食品的，处五年以下有期徒刑，并处罚金；对人体健康造成严重危害或者有其他严重情节的，处五年以上十年以下有期徒刑，并处罚金；致人死亡或者有其他特别严重情节的，依照本法第一百四十一条的规定处罚。

第一百四十五条 【生产、销售不符合标准的医用器材罪】生产不符合保障人体健康的国家标准、行业标准的医疗器械、医用卫生材料，或者销售明知是不符合保障人体健康的国家标准、行业标准的医疗器械、医用卫生材料，足以严重危害人体健康的，处三年以下有期徒刑或者拘役，并处销售金额百分之五十以上二倍以下罚金；对人体健康造成严重危害的，处三年以上十年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；后果特别严重的，处十年以上有期徒刑或者无期徒刑，并处销售金额百分之五十以上二倍以下罚金或者没收财产。

第一百四十六条 【生产、销售不符合安全标准的产品罪】生产不符合保障人身、财产安全的国家标准、行业标准的电器、压力容器、易燃易爆产品或者其他不符合保障人身、财产安全的国家标准、行业标准的产品，造成严重后果的，处五年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；后果特别严重的，

Article 147 . Whoever produces fake insecticides, fake animal-use medicines, fake chemical fertilizers or knowingly sells insecticides, animal-use medicines, chemical fertilizers and seeds which are fake or are no longer effective or any producer or seller who passes unqualified insecticides, animal-use medicines, chemical fertilizers and seeds as qualified ones, thereby giving rise to relatively large losses in production is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing grave losses in production, is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing particularly grave losses in production, is to be sentenced to not less than seven years of fixed-term imprisonment or life imprisonment or confiscation of property.

Article 148 . Production of cosmetics that fails to meet hygienic standards or knowingly selling such cosmetics that cause serious consequences shall be punished with imprisonment or limited incarceration of less than three years, and a fine of over 50 percent but less than 100 percent of the sales amount.

Article 149 . The production and selling of products prescribed under Articles 141 to 148 of this Section that does not constitute an offense under these articles but with sales amount exceeding 50,000 yuan, shall be convicted and punished according to provisions under Article 140 of this Section.

The production and selling of products prescribed under Articles 141 and 148 of this Section that constitutes an offense under these articles and Article 140, shall be convicted and punished under provisions carrying a heavier penalty.

Article 150 . Units violating provisions between Articles 140 and 148 of this Section shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished according to provisions under the respective articles.

处五年以上有期徒刑，并处销售金额百分之五十以上二倍以下罚金。

第一百四十七条 【生产、销售伪劣农药、兽药、化肥、种子罪】生产假农药、假兽药、假化肥，销售明知是假的或者失去使用效能的农药、兽药、化肥、种子，或者生产者、销售者以不合格的农药、兽药、化肥、种子冒充合格的农药、兽药、化肥、种子，使生产遭受较大损失的，处三年以下有期徒刑或者拘役，并处或者单处销售金额百分之五十以上二倍以下罚金；使生产遭受重大损失的，处三年以上七年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；使生产遭受特别重大损失的，处七年以上有期徒刑或者无期徒刑，并处销售金额百分之五十以上二倍以下罚金或者没收财产。

第一百四十八条 【生产、销售不符合卫生标准的化妆品罪】生产不符合卫生标准的化妆品，或者销售明知是不符合卫生标准的化妆品，造成严重后果的，处三年以下有期徒刑或者拘役，并处或者单处销售金额百分之五十以上二倍以下罚金。

第一百四十九条 【对生产、销售伪劣商品行为的法条适用】生产、销售本节第一百四十一条至第一百四十八条所列产品，不构成各该条规定的犯罪，但是销售金额在五万元以上的，依照本节第一百四十条的规定定罪处罚。

生产、销售本节第一百四十一条至第一百四十八条所列产品，构成各该条规定的犯罪，同时又构成本节第一百四十条规定之罪的，依照处罚较重的规定定罪处罚。

第一百五十条 【单位犯本节规定之罪的处理】单位犯本节第一百四十条至第一百四十八条规定之罪的，对单位判处罚金，并对其直接负责的主管

Section 2 . Smuggling Offenses

Article 151 . Whoever smuggles any weapon, ammunition, nuclear materials or counterfeit currencies shall be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property; if the circumstances are especially serious, be sentenced to life imprisonment and a forfeiture of property; or if the circumstances are minor, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Whoever smuggles cultural relics, gold, silver or any other noble metal whose export is prohibited by the state or smuggles rare animals whose import and export are prohibited by the state or products made thereof shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; if the circumstances are especially serious, shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a forfeiture of property; or if the circumstances are minor, shall be sentenced to imprisonment of not more than 5 years and a fine.

Whoever smuggles rare plants or products made thereof or other goods or articles whose import and export are prohibited by the state shall be sentenced to imprisonment of not more than 5 years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are serious, shall be sentenced to imprisonment of not less than 5 years and a fine.

Where an entity commits a crime as provided for in this Article, the entity shall be sentenced to a fine, and its directly responsible person and other directly liable persons shall be punished according to the provisions of this Article.

Article 152 . Smuggling obscene movies, video tapes, audio tapes, pictures, books and journals, and other obscene articles for profit or dissemination shall be punished with imprisonment of more than three years but less than ten years with fine; for offenses of a serious nature to over ten years of imprisonment or life imprisonment, with fine or forfeiture of property; for offenses of a less serious nature to imprisonment or limited incarceration or restraint of less than three years, and with fine.

Whoever transports overseas solid, liquid or gaseous waste into the territory of China

人员和其他直接责任人员，依照各该条的规定处罚。

第二节 走私罪

第一百五十一条 【走私武器、弹药罪】【走私核材料罪】【走私假币罪】走私武器、弹药、核材料或者伪造的货币的，处七年以上有期徒刑，并处罚金或者没收财产；情节特别严重的，处无期徒刑，并处没收财产；情节较轻的，处三年以上七以下有期徒刑，并处罚金。

【走私文物罪】【走私贵金属罪】【走私珍贵动物、珍贵动物制品罪】走私国家禁止出口的文物、黄金、白银和其他贵金属或者国家禁止进出口的珍贵动物及其制品的，处五年以上十年以下有期徒刑，并处罚金；情节特别严重的，处十年以上有期徒刑或者无期徒刑，并处没收财产；情节较轻的，处五年以下有期徒刑，并处罚金。

【走私国家禁止进出口的货物、物品罪】走私珍稀植物及其制品等国家禁止进出口的其他货物、物品的，处五年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

单位犯本条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本条各款的规定处罚。

第一百五十二条 【走私淫秽物品罪】以牟利或者传播为目的，走私淫秽的影片、录像带、录音带、图片、书刊或者其他淫秽物品的，处三年以上十年以下有期徒刑，并处罚金；情节严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节较轻的，处三年以下有期徒刑、拘役或者管制，并处罚金。

【走私废物罪】逃避海关监管将境外

by evading supervision and control of the Customs shall, if the circumstance is serious enough, be sentenced to fixed-term imprisonment of not more than five years and shall also, or shall only, be fined; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Where an entity commits any crime as mentioned in the preceding two paragraphs, it shall be fined, and the person in-charge and other persons who are held to be directly responsible shall be punished in accordance with the provisions in the preceding two paragraphs.

Article 153 . Whoever smuggles goods or articles other than those as mentioned in Articles 151, 152 and 347 shall be punished in light of the graveness of the crime according to the following provisions:

(1) Whoever smuggles goods or articles to evade a relatively large amount of tax payable, or smuggles again after having been given administrative punishment twice for smuggling within a year, shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.

(2) Whoever smuggles goods or articles to evade a huge amount of tax payable or with any other serious circumstance shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.

(3) Whoever smuggles goods or articles to evade an especially huge amount of tax payable or with any other especially serious circumstance shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable or a forfeiture of property.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being sentenced to imprisonment or limited incarceration of less than three years; and, for cases of a serious nature, to imprisonment of over three years and less than 10 years; and -- for cases of an extraordinary serious nature -- to imprisonment of over 10 years.

For smuggling cases not being detected for several occasions, fines should be based on an accumulation of all evaded taxes of such goods and articles.

Article 154 . The following smuggling cases that constitute an offense under provisions of this section shall be convicted and sentenced according to provisions under Article 153 of this law:

固体废物、液态废物和气态废物运输进境，情节严重的，处五年以下有期徒刑，并处或者单处罚金；情节特别严重的，处五年以上有期徒刑，并处罚金。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

第一百五十三条 【走私普通货物、物品罪】走私本法第一百五十一条、第一百五十二条、第三百四十七条规定以外的货物、物品的，根据情节轻重，分别依照下列规定处罚：

（一）走私货物、物品偷逃应缴税额较大或者一年内曾因走私被给予二次行政处罚后又走私的，处三年以下有期徒刑或者拘役，并处偷逃应缴税额一倍以上五倍以下罚金。

（二）走私货物、物品偷逃应缴税额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处偷逃应缴税额一倍以上五倍以下罚金。

（三）走私货物、物品偷逃应缴税额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处偷逃应缴税额一倍以上五倍以下罚金或者没收财产。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役；情节严重的，处三年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑。

对多次走私未经处理的，按照累计走私货物、物品的偷逃应缴税额处罚。

第一百五十四条 【走私货物、物品罪的特殊形式】下列走私行为，根据本节规定构成犯罪的，依照本法第一百五十三条的规定定罪处罚：

(1) without the approval of the Customs and before settling defaulted taxes, sale for profit in China of bonded goods approved for import for the purposes of processing, assembly, and compensated trade, including raw and processed materials, parts, finished products, and equipment; and

(2) without the approval of the Customs and before settling defaulted taxes, sale for profits in China of goods and articles with reduced import duties or tax exemption.

Article 155 . Whoever commits any of the following acts shall be deemed as having committed the crime of smuggling and shall be punished in accordance with the relevant provisions of this Section:

(1) directly and illegally purchasing from smugglers articles the import of which is forbidden by the State; or directly and illegally purchasing from smugglers other smuggled goods and articles in relatively large quantities; or

(2) transporting, purchasing or selling in inland seas, territorial waters, boundary rivers or boundary lakes articles which are forbidden by the State from import and export; or transporting, purchasing or selling, without legal certificates and in relatively large quantities, goods or articles which are restricted by the State from import and export.

Article 156 . Whoever colludes with smugglers by supplying them with loans, funds, accounts, invoices, proofs, or such conveniences as transportation, safe-keeping, and mailing services, shall be regarded and punished as smuggling accomplices.

Article 157 . Whoever provides armed escort for smuggling shall be given a heavier penalty according to paragraph 1, Article 151 of this law.

Whoever resorts to violence and threatening measures while resisting Customs detection shall be punished for smuggling and obstructing state organ personnel from enforcing their lawful duties provided under Article 277 of this law, and shall be punished for all offenses committed.

Section 3 . Offenses Against Company and Enterprise Management Order

Article 158 . Using forged certifications to apply for company registration or using other fraudulent means to falsely declare registered capital with intent to deceive company registration departments, where the registered capital so falsely declared is large in figures with serious consequences or of a severe nature, shall be punished by imprisonment or limited incarceration of less than three years, with a fine or a

(一) 未经海关许可并且未补缴应缴税额,擅自将批准进口的来料加工、来件装配、补偿贸易的原材料、零件、制成品、设备等保税货物,在境内销售牟利的;

(二) 未经海关许可并且未补缴应缴税额,擅自将特定减税、免税进口的货物、物品,在境内销售牟利的。

第一百五十五条 【以走私罪论处的间接走私行为】下列行为,以走私罪论处,依照本节的有关规定处罚:

(一) 直接向走私人非法收购国家禁止进口物品的,或者直接向走私人非法收购走私进口的其他货物、物品,数额较大的;

(二) 在内海、领海、界河、界湖运输、收购、贩卖国家禁止进出口物品的,或者运输、收购、贩卖国家限制进出口货物、物品,数额较大,没有合法证明的。

第一百五十六条 【走私共犯】与走私罪犯通谋,为其提供贷款、资金、帐号、发票、证明,或者为其提供运输、保管、邮寄或者其他方便的,以走私罪的共犯论处。

第一百五十七条 【武装掩护走私、抗拒缉私的规定】武装掩护走私的,依照本法第一百五十一条第一款的规定从重处罚。

以暴力、威胁方法抗拒缉私的,以走私罪和本法第二百七十七条规定的阻碍国家机关工作人员依法执行职务罪,依照数罪并罚的规定处罚。

第三节 妨害对公司、企业的管理秩序罪

第一百五十八条 【虚报注册资本罪】申请公司登记使用虚假证明文件或者采取其他欺诈手段虚报注册资本,欺骗公司登记主管部门,取得公司登记,虚报注册资本数额巨大、后果严重或

separately imposed fine of over 1 percent but less than 5 percent of the falsely declared registered capital.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or limited incarceration of less than three years.

Article 159 . Company promoters, shareholders who, in violation of provisions under the [Company law](#) , fail to pay up with currency notes, provide actual property, or transfer property rights; or falsely claim to have paid up the capital; or withdraw their capital upon registration of company, where the amount involved is large with serious consequences or of a serious nature, shall be punished with imprisonment or limited incarceration of less than five years, with a fine or a separately imposed fine of over 2 percent but less than 10 percent of the amount of capital so falsely claimed to have been paid up or so withdrawn.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or limited incarceration of less than five years.

Article 160 . Whoever issues any shares of stock, corporate or enterprise bonds, depositary receipts, or other securities determined by the State Council in accordance with the law by concealing any material fact or falsifying any major content in the share offering prospectus, share subscription form, corporate or enterprise bond offering prospectus, or any other offering document shall, if the amount involved is huge, the consequences are serious, or there is any other serious circumstance, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the amount involved is especially huge, the consequences are especially serious, or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than five years and a fine.

The controlling shareholder or actual controller who organizes or instigates the commission of any conduct in the preceding paragraph shall be sentenced to imprisonment of not more than five years or limited incarceration and a fine of not less than 20% nor more than one times the illegal offering proceeds or be sentenced to such a fine only; or if the amount involved is especially huge, the consequences are especially serious, or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than five years and a fine of not less than 20% nor more than one times the illegal offering proceeds.

Where an entity commits a crime provided for in the preceding two paragraphs, the

者有其他严重情节的，处三年以下有期徒刑或者拘役，并处或者单处虚报注册资本金额百分之一以上百分之五以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役。

第一百五十九条 【虚假出资、抽逃出资罪】公司发起人、股东违反[公司法](#)的规定未交付货币、实物或者未转移财产权，虚假出资，或者在公司成立后又抽逃其出资，数额巨大、后果严重或者有其他严重情节的，处五年以下有期徒刑或者拘役，并处或者单处虚假出资金额或者抽逃出资金额百分之二以上百分之十以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

第一百六十条 【欺诈发行股票、债券罪】在招股说明书、认股书、公司、企业债券募集办法等发行文件中隐瞒重要事实或者编造重大虚假记载，发行股票或者公司、企业债券、存托凭证或者国务院依法认定的其他证券，数额巨大、后果严重或者有其他严重情节的，处五年以下有期徒刑或者拘役，并处或者单处罚金；数额特别巨大、后果特别严重或者有其他特别严重情节的，处五年以上有期徒刑，并处罚金。

控股股东、实际控制人组织、指使实施前款行为的，处五年以下有期徒刑或者拘役，并处或者单处非法募集资金金额百分之二十以上一倍以下罚金；数额特别巨大、后果特别严重或者有其他特别严重情节的，处五年以上有期徒刑，并处非法募集资金金额百分之二十以上一倍以下罚金。

单位犯前两款罪的，对单位判处非法

entity shall be sentenced to a fine of not less than 20% nor more than one times the illegal offering proceeds, and its directly liable executive in charge and other directly liable persons shall be punished according to the provision of paragraph 1 of this article.

Article 161 . Where a company or an enterprise with information disclosure obligations in accordance with the law provides its shareholders and the public with a financial accounting report which is false or conceals any material fact, or fails to disclose according to the applicable provisions any other important information that shall be disclosed in accordance with the law, causing any seriously damage to the interests of shareholders or any other person or with any other serious circumstance, its directly liable executive in charge and other directly liable persons shall each be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, shall each be sentenced to imprisonment of not less than five years nor more than ten years and a fine.

The controlling shareholder or actual controller of a company or an enterprise set forth in the preceding paragraph who commits or organizes or instigates the commission of the conduct in the preceding paragraph or conceals the relevant matter, resulting in the occurrence of the circumstance set forth in the preceding paragraph, shall be punished in accordance with the provision of the preceding paragraph.

Where the controlling shareholder or actual controller committing a crime provided for in the preceding paragraph is an entity, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished according to the provision of paragraph 1 of this article.

Article 162 . Personnel directly in charge and other directly responsible personnel of a company or an enterprise that, during its liquidation process, conceal property or make false entries in its balance sheet or asset list, or distribute company or enterprise assets before repaying debts that seriously hurt the interests of creditors and other people, shall be punished with imprisonment or limited incarceration of less than five years, with a fine or a separately imposed fine of over 20,000 yuan but less than 200,000 yuan.

Article 162 (I) Whoever conceals or deliberately destroys financial vouchers, financial account books or financial statements, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of less than five years or limited incarceration, and/or be imposed a fine not less than 20,000 yuan but not more than 200,000 yuan.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be

募集资金金额百分之二十以上一倍以下罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百六十一条 【违规披露、不披露重要信息罪】依法负有信息披露义务的公司、企业向股东和社会公众提供虚假的或者隐瞒重要事实的财务会计报告，或者对依法应当披露的其他重要信息不按照规定披露，严重损害股东或者其他利益，或者有其他严重情节的，对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处五年以上十年以下有期徒刑，并处罚金。

前款规定的公司、企业的控股股东、实际控制人实施或者组织、指使实施前款行为的，或者隐瞒相关事项导致前款规定的情形发生的，依照前款的规定处罚。

犯前款罪的控股股东、实际控制人是单位的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百六十二条 【妨害清算罪】公司、企业进行清算时，隐匿财产，对资产负债表或者财产清单作虚假记载或者在未清偿债务前分配公司、企业财产，严重损害债权人或者其他利益的，对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

第一百六十二条 之一 【隐匿、故意销毁会计凭证、会计账簿、财务会计报告罪】隐匿或者故意销毁依法应当保存的会计凭证、会计账簿、财务会计报告，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

单位犯前款罪的，对单位判处罚金，

imposed a fine, and the persons who are directly in charge or persons who are directly responsible for the offence shall be punished according to the preceding paragraph.

Article 162 (II): Where any company or enterprise transfers or disposes of its properties by means of concealing its properties or undertaking fabricated debts or by any other means or goes through false bankruptcy so that the interests of the creditors or any other person are severely injured, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and/or shall be fined 20,000 yuan up to 200,000 yuan.

Article 163 . Where, by taking advantage of his or her position, any staff member of a company, an enterprise, or any other entity solicits or illegally accepts any money or property from any other person in order to seek benefits for such other person, the staff member shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine if the amount involved is relatively large; shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine if the amount involved is huge or there is any other serious circumstance; or shall be sentenced to imprisonment of not less than ten years or life imprisonment and a fine if the amount involved is especially huge or there is any other especially serious circumstance.

Where any of the employees of any company or enterprise or any other entity violates the relevant provisions of the state by taking advantage of his position to accept kickbacks or commissions in any disguise and keeps them for himself, he shall be penalized according to the preceding paragraph.

Where anyone who is engaged in public services in any state-owned company, enterprise or any other state-owned entity or anyone is delegated by any state-owned company or enterprise or any other state-owned entity to any non-state-owned company or enterprise or any other entity to engage in public services commits any of the acts as described in either of the preceding paragraphs shall be convicted and penalized according to Articles 185 and 186 of the present Law.

Article 164 . Whoever gives any property to a staff member of a company, an enterprise or any other entity for any illicit benefit shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine if the amount of property is relatively large; or be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine if the amount of property is huge.

Whoever gives any property to a functionary of a foreign country or an official of an international public organization for any improper commercial benefit shall be

并对其直接负责的主管人员和其他直接责任人员, 依照前款的规定处罚。

第一百六十二条 之二 【虚假破产罪】

公司、企业通过隐匿财产、承担虚构的债务或者以其他方法转移、处分财产, 实施虚假破产, 严重损害债权人或者其他人的利益的, 对其直接负责的主管人员和其他直接责任人员, 处五年以下有期徒刑或者拘役, 并处或者单处二万元以上二十万元以下罚金。

第一百六十三条 【非国家工作人员受贿罪】

公司、企业或者其他单位的工作人员, 利用职务上的便利, 索取他人财物或者非法收受他人财物, 为他人谋取利益, 数额较大的, 处三年以下有期徒刑或者拘役, 并处罚金; 数额巨大或者有其他严重情节的, 处三年以上十年以下有期徒刑, 并处罚金; 数额特别巨大或者有其他特别严重情节的, 处十年以上有期徒刑或者无期徒刑, 并处罚金。

公司、企业或者其他单位的工作人员在经济往来中, 利用职务上的便利, 违反国家规定, 收受各种名义的回扣、手续费, 归个人所有的, 依照前款的规定处罚。

国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前款行为的, 依照本法第三百八十五条、第三百八十六条的规定定罪处罚。

第一百六十四条 【对非国家工作人员行贿罪】为谋取不正当利益, 给予公司、企业或者其他单位的工作人员以财物, 数额较大的, 处三年以下有期徒刑或者拘役, 并处罚金; 数额巨大的, 处三年以上十年以下有期徒刑, 并处罚金。

【对外国公职人员、国际公共组织官员行贿罪】为谋取不正当商业利益,

punished according to the provision of the preceding paragraph.

给予外国公职人员或者国际公共组织官员以财物的，依照前款的规定处罚。

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of paragraph 1 of this Article.

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

A briber who voluntarily confesses to his bribery before a criminal investigation on him is opened may be given a mitigated penalty or be exempted from penalty.

行贿人在被追诉前主动交待行贿行为的，可以减轻处罚或者免除处罚。

Article 165 . Directors and managers of state-owned companies or enterprises who, in order to gain illegal benefits, make use of their job opportunity to conduct for themselves or others business similar to that conducted by companies or enterprises to which they attach, shall, in cases involving a large amount, be punished with imprisonment or limited incarceration for less than three years, with a fine or a separately imposed fine, for cases involving extraordinarily large amounts, with imprisonment of over three years but less than seven years, and with fine.

第一百六十五条 【非法经营同类营业罪】国有公司、企业的董事、经理利用职务便利，自己经营或者为他人经营与其所任职公司、企业同类的营业，获取非法利益，数额巨大的，处三年以下有期徒刑或者拘役，并处或者单处罚金；数额特别巨大的，处三年以上七年以下有期徒刑，并处罚金。

Article 166 . Work personnel in state-owned companies, enterprises, or institutions, who use their job opportunity to commit the following acts that seriously hurt state interests, shall be punished with imprisonment or limited incarceration of less than three years, with a fine or a separately imposed fine; for cases that cause extraordinary huge losses to state interests, with imprisonment of over three years and less than seven years, and with fine:

第一百六十六条 【为亲友非法牟利罪】国有公司、企业、事业单位的工作人员，利用职务便利，有下列情形之一，使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役，并处或者单处罚金；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑，并处罚金：

(1) offering profitable business conducted by their own units to their relatives and friends for operation;

（一）将本单位的盈利业务交由自己的亲友进行经营的；

(2) buying merchandise from units operated and managed by their relatives and friends at a price apparently higher than market price or selling merchandise to units operated and managed by their relatives and friends at a price apparently lower than market price; or

（二）以明显高于市场的价格向自己的亲友经营管理的单位采购商品或者以明显低于市场的价格向自己的亲友经营管理的单位销售商品的；

(3) buying substandard merchandise from units operated and managed by their relatives and friends.

（三）向自己的亲友经营管理的单位采购不合格商品的。

Article 167 . People directly in charge of state-owned companies, enterprises, or institutions who are defrauded because of serious irresponsibility during the process of signing or fulfilling contracts and thus cause great damage to national interests shall be sentenced to not more than three years in prison or limited incarceration. If they cause especially serious damage to national interests, they shall be sentenced to not less than three years and not more than seven years in prison.

第一百六十七条 【签订、履行合同失职被骗罪】国有公司、企业、事业单位直接负责的主管人员，在签订、履行合同过程中，因严重不负责任被诈骗，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三

Article 168 . Where an employee of a state-run company or enterprise is seriously irresponsible or abuses the office, causing its bankruptcy or serious losses to the state-owned company or enterprise, and causing heavy losses to the interests of the state, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration; where the losses to the interests of the state is extremely heavy, he shall be sentenced to fix-term imprisonment of not less than three years but not more than seven years.

Where an employee of a state-owned institution commits the crime as mentioned in the preceding paragraph, causing heavy losses to the interests of the state, he shall be punished according to the preceding paragraph.

Where an employee of a state-owned company, enterprise or institution commits the crimes as mentioned in the preceding two paragraphs out of irregularities for favoritism, he shall be given a heavier punishment according to the first paragraph of this article.

Article 169 . People directly in charge of state-owned companies or enterprises or higher competent departments who cause great damage to national interests by practicing favoritism and converting state-owned assets into low-value stocks or selling them at a low price shall be sentenced to not more than three years in prison or limited incarceration. They shall be sentenced to not less than three years and not more than seven years in prison if they cause especially serious damage to national interests.

Article 169 (I): Where any director, supervisor or senior manager of any listed company goes against his fiduciary duty to the company and takes advantage of his position to manipulate the listed company in any of the following circumstances so that the listed company suffers from any serious loss, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and/or shall be fined. If the listed company thus suffers from extremely serious losses, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be fined:

(1) Providing any fund, commodity, service or any other asset gratuitously to any other entity or individual;

(2) Providing or accepting any fund, commodity, service or any other asset under obviously unfair terms;

年以上七年以下有期徒刑。

第一百六十八条 【国有公司、企业、事业单位人员失职罪】 【国有公司、企业、事业单位人员滥用职权罪】 国有公司、企业的工作人员，由于严重不负责任或者滥用职权，造成国有公司、企业破产或者严重损失，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

国有事业单位的工作人员有前款行为，致使国家利益遭受重大损失的，依照前款的规定处罚。

国有公司、企业、事业单位的工作人员，徇私舞弊，犯前两款罪的，依照第一款的规定从重处罚。

第一百六十九条 【徇私舞弊低价折股、出售国有资产罪】 国有公司、企业或者其上级主管部门直接负责的主管人员，徇私舞弊，将国有资产低价折股或者低价出售，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

第一百六十九条 之一 【背信损害上市公司利益罪】 上市公司的董事、监事、高级管理人员违背对公司的忠实义务，利用职务便利，操纵上市公司从事下列行为之一，致使上市公司利益遭受重大损失的，处三年以下有期徒刑或者拘役，并处或者单处罚金；致使上市公司利益遭受特别重大损失的，处三年以上七年以下有期徒刑，并处罚金：

（一）无偿向其他单位或者个人提供资金、商品、服务或者其他资产的；

（二）以明显不公平的条件，提供或者接受资金、商品、服务或者其他资

(3) Providing any fund, commodity, service or any other asset to any entity or individual who obviously does not have the ability of repayment;

(4) Providing any guarantee to any entity or individual who obviously does not have the ability of repayment, or providing guarantee to any other entity or individual without justifiable reasons;

(5) Waiving any credit or undertaking any debt without justifiable reasons;

(6) Injuring the interests of the listed company by any other means. “(

Where the controlling shareholder or actual controller of a listed company instigates any of the directors, supervisors, or senior managers of the listed company to conduct any of the acts as described in the preceding paragraph, it or he shall be penalized according to the preceding paragraph.

If the controlling shareholder or actual controller of the listed company that commits the crime as described in the preceding paragraph is an entity, a fine shall be imposed upon the entity and the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the first paragraph herein.

Section 4 . The Crimes of Undermining the Order of Financial Management

Article 170 . Whoever counterfeits currencies shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; or if there is any of the following circumstances, be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property:

(1) Being a ringleader of a currency-counterfeiting ring.

(2) The amount of counterfeit currencies is especially large.

(3) Any other especially serious circumstance.

Article 171 . Whoever sells or buys a substantial amount of counterfeit money or transports it with the full knowledge that it is counterfeit shall be sentenced to not more than three years in prison or limited incarceration. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the amount is especially huge, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

产的;

(三) 向明显不具有清偿能力的单位或者个人提供资金、商品、服务或者其他资产的;

(四) 为明显不具有清偿能力的单位或者个人提供担保, 或者无正当理由为其他单位或者个人提供担保的;

(五) 无正当理由放弃债权、承担债务的;

(六) 采用其他方式损害上市公司利益的。

上市公司的控股股东或者实际控制人, 指使上市公司董事、监事、高级管理人员实施前款行为的, 依照前款的规定处罚。

犯前款罪的上市公司的控股股东或者实际控制人是单位的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 依照第一款的规定处罚。

第四节 破坏金融管理秩序罪

第一百七十条 【伪造货币罪】 伪造货币的, 处三年以上十年以下有期徒刑, 并处罚金; 有下列情形之一的, 处十年以上有期徒刑或者无期徒刑, 并处罚金或者没收财产:

(一) 伪造货币集团的首要分子;

(二) 伪造货币数额特别巨大的;

(三) 有其他特别严重情节的。

第一百七十一条 【出售、购买、运输假币罪】 出售、购买伪造的货币或者明知是伪造的货币而运输, 数额较大的, 处三年以下有期徒刑或者拘役, 并处二万元以上二十万元以下罚金; 数额巨大的, 处三年以上十年以下有期徒刑, 并处五万元以上五十万元以下罚金; 数额特别巨大的, 处十年以上有期徒刑或者无期徒刑, 并处五万元以上五十万元以下罚金或者没收财

Employees of banks or other financial institutions who buy counterfeit money or take advantage of their positions to trade counterfeit money for real currency shall be sentenced to not less than three years and not more than 10 years in prison. In addition, they shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount involved is large or if the circumstances are serious, they shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, they shall be fined not less than 20,000 yuan and not more than 200,000 yuan or have their property confiscated. If the circumstances are not so serious, they shall be sentenced to not more than three years in prison or limited incarceration.

They shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. Whoever counterfeits money and sells or transports the counterfeit money shall be convicted and given stiff punishment in accordance with the provisions in Article 170 of this law.

Article 172 . Whoever knowingly possesses or uses a substantial amount of counterfeit money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount is especially large, he or she shall be sentenced to not less than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

Article 173 . Whoever alters a substantial amount of money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan.

Article 174 . Whoever establishes, without the approval of the competent authorities of the state, a commercial bank, securities exchange, futures exchange, futures brokering company, insurance company or other financial institutions, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and/or shall be imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the circumstances are serious, he shall be sentenced to fix-term imprisonment of not less than three years but not more than ten years, and/or shall be imposed a fine of not less than 50,000 yuan but not more than 500,000 yuan.

产。

【金融工作人员购买假币、以假币换取货币罪】银行或者其他金融机构的工作人员购买伪造的货币或者利用职务上的便利，以伪造的货币换取货币的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处十年以上有期徒刑或者无期徒刑，并处二万元以上二十万元以下罚金或者没收财产；情节较轻的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金。

伪造货币并出售或者运输伪造的货币的，依照本法第一百七十条的规定定罪从重处罚。

第一百七十二条 【持有、使用假币罪】明知是伪造的货币而持有、使用，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金；数额特别巨大的，处十年以上有期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

第一百七十三条 【变造货币罪】变造货币，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金。

第一百七十四条 【擅自设立金融机构罪】未经国家有关主管部门批准，擅自设立商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的，处三年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金；情节严重的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以

Whoever forges, alters or transfers the permit for operation or other documents of approval of a commercial bank, securities exchange, futures exchange, futures brokering company, insurance company or other financial institutions, he shall be punished according to the preceding paragraph.

Where a unit commits the crimes as mentioned in the preceding two paragraphs, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the offence shall be punished according to the first paragraph of this article.

Article 175 . Whoever illegally obtains credit funds from a financial institution and relends them to other people at a high interest rate with the aim of making a profit shall be sentenced to not more than three years in prison or limited incarceration, if the amount of illegal proceeds is substantial. In addition, he or she shall be fined a sum not less than 100 percent and not more than 500 percent as high as the amount of illegal proceeds. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than seven years in prison. In addition, he or she shall be fined a sum not less than 100 percent and not more than 500 percent as high as the amount of illegal proceeds.

If the crime mentioned in the preceding paragraph is committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than three years in prison or limited incarceration.

Article 175 (I): Whoever, by deceptive means, obtains a loan, the acceptance of a negotiable instrument, a letter of credit, or a letter of guarantee, among others, from a bank or any other financial institution shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only if it causes any significant loss to the bank or financial institution; or shall be sentenced to imprisonment of not less than three years nor more than seven years and a fine if it causes any especially significant loss to the bank or financial institution or there is any other especially serious circumstance.

Where any entity commits the crime as described in the preceding paragraph, it shall be fined, and the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the preceding paragraph.

Article 176 . Whoever absorbs public savings illegally or in disguise, disrupting the financial order, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; if the amount involved

下罚金。

【伪造、变造、转让金融机构经营许可证、批准文件罪】伪造、变造、转让商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的经营许可证或者批准文件的，依照前款的规定处罚。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百七十五条 【高利转贷罪】以转贷牟利为目的，套取金融机构信贷资金高利转贷他人，违法所得数额较大的，处三年以下有期徒刑或者拘役，并处违法所得一倍以上五倍以下罚金；数额巨大的，处三年以上七年以下有期徒刑，并处违法所得一倍以上五倍以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役。

第一百七十五条 之一 【骗取贷款、票据承兑、金融票证罪】以欺骗手段取得银行或者其他金融机构贷款、票据承兑、信用证、保函等，给银行或者其他金融机构造成重大损失的，处三年以下有期徒刑或者拘役，并处或者单处罚金；给银行或者其他金融机构造成特别重大损失或者其他特别严重情节的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百七十六条 【非法吸收公众存款罪】非法吸收公众存款或者变相吸收公众存款，扰乱金融秩序的，处三

is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years and a fine.

Where an entity commits a crime provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provision of the preceding paragraph.

Whoever commits any conduct set forth in the preceding two paragraphs but voluntarily returns the illegally obtained money or makes compensation to reduce the occurrence of harmful results before being prosecuted by the state may be given a lighter or mitigated punishment.

Article 177 . Whoever forges or alters financial bills in any of the following ways shall be sentenced to not more than five years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the circumstances are serious, he or she shall be sentenced to not less than five years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the circumstances are especially serious, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated:

- (1) Forging or altering bank drafts, cashier's checks, and checks;
- (2) Forging or altering documents authorizing collection of payments, remittance documents, certificates of deposit, and other account-settlement documents;
- (3) Forging or altering letters of credit or accompanying documents;
- (4) Forging credit cards.

If the crimes mentioned in the preceding paragraph are committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 177 (I) Under any of the following circumstances, anyone who disrupts the management of credit cards shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration or deprivation of political rights, and shall be concurrently or separately fined 10, 000 yuan up to 100, 000 yuan; if the sum involved

年以下有期徒刑或者拘役，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

有前两款行为，在提起公诉前积极退赃退赔，减少损害结果发生的，可以从轻或者减轻处罚。

第一百七十七条 【伪造、变造金融票证罪】有下列情形之一，伪造、变造金融票证的，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金；情节严重的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；情节特别严重的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

- （一）伪造、变造汇票、本票、支票的；
- （二）伪造、变造委托收款凭证、汇款凭证、银行存单等其他银行结算凭证的；
- （三）伪造、变造信用证或者附随的单据、文件的；
- （四）伪造信用卡的。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百七十七条 之一 【妨害信用卡管理罪】有下列情形之一，妨害信用卡管理的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万

is huge or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of 3 up to 10 years and shall be concurrently fined 20,000 yuan up to 200,000 yuan:

(1) knowingly holding or transporting a relatively large number of counterfeited credit cards or blank credit cards;

(2) unlawfully holding a relatively large number of others' credit cards;

(3) having obtained credit cards by using false identity certification;

(4) selling, selling, providing others with counterfeited credit cards or obtaining credit cards by using false identity certification.

Anyone who steals, buys or illicitly supplies information of others' credit cards shall be punished in accordance with the preceding paragraph.

Any employee of a bank or of any other financial institution who violates any of the crimes as described in the second paragraph by taking the advantage of his position shall be given a heavier punishment.

Article 178 . Whoever forges or alters treasury bonds or other negotiable securities issued by the state involving a substantial amount of money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the amount is especially large, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

Whoever forges or alters share certificates or company and enterprise bonds involving a substantial amount of money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan.

If the crimes mentioned in the preceding two paragraphs are committed by a unit, the

元以下罚金；数量巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金：

（一）明知是伪造的信用卡而持有、运输的，或者明知是伪造的空白信用卡而持有、运输，数量较大的；

（二）非法持有他人信用卡，数量较大的；

（三）使用虚假的身份证明骗领信用卡的；

（四）出售、购买、为他人提供伪造的信用卡或者以虚假的身份证明骗领的信用卡的。

【窃取、收买、非法提供信用卡信息罪】窃取、收买或者非法提供他人信用卡信息资料的，依照前款规定处罚。

银行或者其他金融机构的工作人员利用职务上的便利，犯第二款罪的，从重处罚。

第一百七十八条 【伪造、变造国家有价证券罪】伪造、变造国库券或者国家发行的其他有价证券，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

【伪造、变造股票、公司、企业债券罪】伪造、变造股票或者公司、企业债券，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金。

单位犯前两款罪的，对单位判处罚金，

unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the provisions in the preceding two paragraphs.

Article 179 . Whoever issues shares or company and enterprise bonds involving a large amount of money without the permission of relevant state departments shall be sentenced to not more than five years in prison or limited incarceration if the consequences are serious or if the circumstances are otherwise serious. He or she shall be fined, additionally or exclusively, a sum not less than 1 percent and not more than 5 percent of the illegally raised funds.

If the crime mentioned in the preceding paragraph is committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than five years in prison or limited incarceration.

Article 180 . Whoever has inside information on securities or futures transactions or illegally obtains inside information on securities or futures transactions, and prior to the release of the information that involves the issuance of securities or securities or futures transactions or other information that has a material effect on the transaction price of securities or futures, buys or sells the said securities, engages in the futures transaction related to the inside information, leaks the said information, or explicitly or implicitly advises others to engage in the aforesaid transaction activities shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than five years or limited incarceration, and/or be fined 1 to 5 times the illegal gains; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined 1 to 5 times the illegal gains.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the offence shall be sentenced to fix-term imprisonment of not more than five years or limited incarceration.

The range of inside information and the insiders shall be determined in accordance with the laws and administrative regulations.

Where any practitioner of a stock exchange, a futures exchange, a securities company, a futures brokerage company, a fund management company, a commercial bank, an insurance company or any other financial institution or any staff member of the relevant regulatory department or industry association uses any undisclosed information obtained by taking advantage of his position other than the inside formation to engage in the securities or futures transaction activities related to the said

并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

第一百七十九条 【擅自发行股票、公司、企业债券罪】未经国家有关主管部门批准，擅自发行股票或者公司、企业债券，数额巨大、后果严重或者有其他严重情节的，处五年以下有期徒刑或者拘役，并处或者单处非法募集资金金额百分之十以上百分之五以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

第一百八十条 【内幕交易、泄露内幕信息罪】证券、期货交易内幕信息的知情人员或者非法获取证券、期货交易内幕信息的人员，在涉及证券的发行，证券、期货交易或者其他对证券、期货交易价格有重大影响的信息尚未公开前，买入或者卖出该证券，或者从事与该内幕信息有关的期货交易，或者泄露该信息，或者明示、暗示他人从事上述交易活动，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处违法所得一倍以上五倍以下罚金；情节特别严重的，处五年以上十年以下有期徒刑，并处违法所得一倍以上五倍以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

内幕信息、知情人员的范围，依照法律、行政法规的规定确定。

【利用未公开信息交易罪】证券交易所、期货交易所、证券公司、期货经纪公司、基金管理公司、商业银行、保险公司等金融机构的从业人员以及有关监管部门或者行业协会的工作人员，利用因职务便利获取的内幕信息

information or explicitly or implicitly advise others to engage in the relevant transaction activities in violation of the relevant provisions, and the circumstances are serious, he shall be punished under paragraph 1.

Article 181 . Whoever fabricates and spreads false information to adversely affect stock or futures exchange transactions, disrupt the stock or futures exchange market shall, if the consequences are serious, be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and/or be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Any employee of a stock exchange, futures exchange, securities company or futures brokering company or any member of a securities association or futures association or department for the administration of securities or futures who deliberately provides false information or forges, alters or destroys transaction records in order to cajole investors into buying or selling securities or futures contracts and thus serious consequences have resulted, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and/or shall be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan; if the circumstances are extremely serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years, and/or shall be imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Where a unit commits the crime as mentioned in the preceding two paragraphs, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the crime shall be sentenced to fix-term imprisonment of not more than five years or limited incarceration.

Article 182 . Whoever falls under any of the following circumstances to manipulate the securities or futures market, affecting securities or futures trading prices or securities or futures trading volumes shall, if the circumstances are serious, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than five years nor more than ten years and a fine:

(1) Alone or by conspiracy, purchasing or selling securities jointly or continuously by concentrating advantages in funds or holdings of shares or positions or using advantages in information.

(2) Colluding with any other person to trade in securities or futures mutually at the time and price and in the manner as agreed upon in advance.

以外的其他未公开的信息，违反规定，从事与该信息相关的证券、期货交易活动，或者明示、暗示他人从事相关交易活动，情节严重的，依照第一款的规定处罚。

第一百八十一条 【编造并传播证券、期货交易虚假信息罪】编造并且传播影响证券、期货交易的虚假信息，扰乱证券、期货交易市场，造成严重后果的，处五年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金。

【诱骗投资者买卖证券、期货合约罪】证券交易所、期货交易所、证券公司、期货经纪公司的从业人员，证券业协会、期货业协会或者证券期货监督管理部门的工作人员，故意提供虚假信息或者伪造、变造、销毁交易记录，诱骗投资者买卖证券、期货合约，造成严重后果的，处五年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；情节特别恶劣的，处五年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

第一百八十二条 【操纵证券、期货市场罪】有下列情形之一，操纵证券、期货市场，影响证券、期货交易价格或者证券、期货交易量，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处五年以上十年以下有期徒刑，并处罚金：

（一）单独或者合谋，集中资金优势、持股或者持仓优势或者利用信息优势联合或者连续买卖的；

（二）与他人串通，以事先约定的时间、价格和方式相互进行证券、期货交易的；

(3) Trading in securities between accounts under the person's actual control or by acting as the counterparty, purchasing from himself or herself or selling to himself or herself futures agreements.

(4) Placing and canceling buy or sell orders for securities or futures frequently or in large numbers, not for the purpose of consummation of trades.

(5) Inducing investors to trade in securities or futures by using false or uncertain material information.

(6) Providing the public with any evaluation, forecast, or investment advice on securities, securities issuers, or subject matters of futures transactions, while trading in the securities or relevant futures in the opposite direction.

(7) Otherwise manipulating the securities or futures market.

Where any entity commits the crime as described in the preceding paragraph, a fine shall be imposed upon the entity, and the persons-in-charge who are held to be directly responsible any other liable persons shall be penalized according to the preceding paragraph.

Article 183 . Personnel of insurance companies who take advantage of their office to intentionally make false claims on insured incidents which have not occurred to defraud insurance indemnity are to be sentenced and punished in accordance with the stipulations of Article 271 of this law.

Personnel of state-owned insurance companies and personnel delegated by state-owned insurance companies to perform official duties in non-state-owned insurance companies who commit an act mentioned in the preceding paragraph are to be sentenced and punished in accordance with the stipulations in Article 382 and Article 383 of this law.

Article 184 . Personnel of banks or other monetary institutions who ask others for money or goods, or illegally accept money or goods from others in activities of monetary business and seek benefits for others, or accept rebate or service charges for themselves under various pretexts in violation of state stipulations are to be sentenced and punished in accordance with the stipulations of Article 163 of this law.

Personnel of state-owned monetary institutions and personnel delegated by state-owned monetary institutions to perform official duties in non-state-owned monetary

(三) 在自己实际控制的帐户之间进行证券交易, 或者以自己为交易对象, 自买自卖期货合约的;

(四) 不以成交为目的, 频繁或者大量申报买入、卖出证券、期货合约并撤销申报的;

(五) 利用虚假或者不确定的重大信息, 诱导投资者进行证券、期货交易的;

(六) 对证券、证券发行人、期货交易标的公开作出评价、预测或者投资建议, 同时进行反向证券交易或者相关期货交易的;

(七) 以其他方法操纵证券、期货市场的。

单位犯前款罪的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 依照前款的规定处罚。

第一百八十三条 【职务侵占罪】 保险公司的工作人员利用职务上的便利, 故意编造未曾发生的保险事故进行虚假理赔, 骗取保险金归自己所有的, 依照本法第二百七十一条的规定定罪处罚。

【贪污罪】 国有保险公司工作人员和国有保险公司委派到非国有保险公司从事公务的人员有前款行为的, 依照本法第三百八十二条、第三百八十三条的规定定罪处罚。

第一百八十四条 【非国家工作人员受贿罪】 银行或者其他金融机构的工作人员在金融业务活动中索取他人财物或者非法收受他人财物, 为他人谋取利益的, 或者违反国家规定, 收受各种名义的回扣、手续费, 归个人所有的, 依照本法第一百六十三条的规定定罪处罚。

【受贿罪】 国有金融机构工作人员和国有金融机构委派到非国有金融机构

institutions who commit an act mentioned in the preceding paragraph are to be sentenced and punished in accordance with the stipulations in Article 385 and Article 386 of this law.

Article 185 . Any employee of a commercial bank, securities exchange, futures exchange, securities company, futures brokering company, insurance company or of any other banking institution who, by taking advantage of his position, misappropriates money belonging to the unit or any client shall be convicted and punished according to Article 272 of this Law.

If any employee of a State-owned commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other banking institution or any person who is assigned by a state-owned commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other banking institution to an institution that is not owned by the state to engage in public service commits the act as mentioned in the preceding paragraph, he shall be convicted and punished according to the provisions in Article 384 of this Law.

Article 185 (I): Where any commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company, or any other financial institution violates its fiduciary duty, unlawfully utilizes the funds or any other entrusted property of its clients, and if the circumstances are serious, a fine shall be imposed upon the entity, and the persons-in-charge who are held to be directly responsible as well as other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall be fined 30,000 yuan up to 300,000 yuan. If the circumstances are extremely serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years, and shall be fined 50,000 yuan up to 500,000 yuan.

Where any public fund management institution such as a social security fund management institution or housing accumulation fund management institution, or any insurance company, insurance asset management company, or securities investment fund management company violates any of the state provisions in its use of funds, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the preceding paragraph.

Article 186 . Where any of the employees of any bank or any other financial institution grants any loan by violating the relevant provisions of the state and the sum

从事公务的人员有前款行为的, 依照本法第三百八十五条、第三百八十六条的规定定罪处罚。

第一百八十五条 【挪用资金罪】 商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的工作人员利用职务上的便利, 挪用本单位或者客户资金的, 依照本法第二百七十二条的规定定罪处罚。

【挪用公款罪】 国有商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他国有金融机构的工作人员和国有商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他国有金融机构委派到前款规定中的非国有机构从事公务的人员有前款行为的, 依照本法第三百八十四条的规定定罪处罚。

第一百八十五条 之一 【背信运用受托财产罪】 商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构, 违背受托义务, 擅自运用客户资金或者其他委托、信托的财产, 情节严重的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 处三年以下有期徒刑或者拘役, 并处三万元以上三十万元以下罚金; 情节特别严重的, 处三年以上十年以下有期徒刑, 并处五万元以上五十万元以下罚金。

【违法运用资金罪】 社会保障基金管理机构、住房公积金管理机构等公众资金管理机构, 以及保险公司、保险资产管理公司、证券投资基金管理公司, 违反国家规定运用资金的, 对其直接负责的主管人员和其他直接责任人员, 依照前款的规定处罚。

第一百八十六条 【违法发放贷款罪】 银行或者其他金融机构的工作人员违

is huge or any serious loss has resulted, he shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and shall be fined 10,000 yuan up to 100,000 yuan. If the sum is extremely huge or extremely serious losses have resulted, he shall be sentenced to fixed-term imprisonment of more than five years, and shall be fined 20,000 yuan up to 200,000 yuan.

Where any employee of any bank or any other financial institution violates the relevant provisions of the state to grant loans to any of his relatives, he shall be penalized according to the preceding paragraph.

Institutions that commit a crime mentioned in the preceding two paragraphs are to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding two paragraphs.

The scope of related people is determined in accordance with " The [Law of Commercial Banks of the People's Republic of China](#) " and other monetary laws and regulations concerned.

Article 187 . Where any employee of any bank or any other financial institution accepts the money of any client without writing it into the accounts, and if the sum is huge or if any serious loss has resulted, he shall be sentenced to fixed-term imprisonment of not more than five years, and shall be fined 20,000 yuan up to 200,000 yuan. If the sum is extremely huge or the losses are extremely serious, he shall be sentenced to fixed-term imprisonment of five years or more, and shall be fined 50,000 yuan up to 500,000 yuan.

Institutions which commit a crime mentioned in the preceding paragraph is to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding paragraph.

Article 188 . Where any employee of any bank or any other financial institution violates the relevant provisions when issuing any letter of credit, letter of guarantee, instrument, certificate of deposit, certification of credit, etc. to any other person, and if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration. If the circumstances are extremely severe, he shall be sentenced to fixed-term imprisonment of five years or more.

Institutions which commit a crime mentioned in the preceding paragraph are to be sentenced to a fine, and personnel in charge directly responsible for the crime, or other personnel directly responsible for the crime are to be punished in accordance with the stipulations of the preceding paragraph.

Article 189 . Personnel of banks or other monetary institutions who, in handling bills,

反国家规定发放贷款，数额巨大或者造成重大损失的，处五年以下有期徒刑或者拘役，并处一万元以上十万元以下罚金；数额特别巨大或者造成特别重大损失的，处五年以上有期徒刑，并处二万元以上二十万元以下罚金。

银行或者其他金融机构的工作人员违反国家规定，向关系人发放贷款的，依照前款的规定从重处罚。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

关系人的范围，依照《[中华人民共和国商业银行法](#)》和有关金融法规确定。

第一百八十七条 【吸收客户资金不入账罪】银行或者其他金融机构的工作人员吸收客户资金不入账，数额巨大或者造成重大损失的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额特别巨大或者造成特别重大损失的，处五年以上有期徒刑，并处五万元以上五十万元以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百八十八条 【违规出具金融票证罪】银行或者其他金融机构的工作人员违反规定，为他人出具信用证或者其他保函、票据、存单、资信证明，情节严重的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上有期徒刑。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百八十九条 【对违法票据承兑、

accept, make payment for, or stand guarantee for, bills which are issued in violation of the [Negotiable Instruments Law](#), thus causing serious losses, are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration; when the losses are especially serious, the sentence is to be not less than five years of fixed-term imprisonment.

Institutions that commit a crime mentioned in the preceding paragraph are to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding paragraph.

Article 190 . Companies, enterprises or other organizations, should they, in violation of state stipulations, deposit foreign exchange outside of the country without authorization or illegally transfer foreign exchange out of the country, if the amount is relatively huge, the organization shall be imposed a fine whose amount ranges from 5% to 30% of the evaded foreign exchange amount and the directly responsible executives and other directly responsible people shall be imposed a less than five year term of imprisonment or limited incarceration. If the amount is huge or there are other serious offenses, the organization shall be imposed a fine whose amount ranges from 5% to 30% of the evaded foreign exchange amount, and the directly responsible executives and other directly responsible people shall be imposed a more than five year term of imprisonment.

Article 191 . Whoever commits any of the following conduct to cover up or conceal the origin and nature of any proceeds of a drug crime, organized crime of a gangland nature, terrorist crime, crime of smuggling, crime of corruption or bribery, crime of disrupting the order of financial administration, or crime of financial fraud as well as any gains accrued by such proceeds shall, in addition to the forfeiture of the aforesaid proceeds of crime and gains accrued by such proceeds, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than five years nor more than ten years and a fine:

- (1) Providing any account for the aforesaid funds.
- (2) Converting property into cash, negotiable instruments, or denominated securities.
- (3) Transferring funds by bank transfer or in any other manner of payment and settlement.
- (4) Transferring assets across the border.
- (5) Otherwise covering up or concealing the origin and nature of any proceeds of crime

付款、保证罪】银行或者其他金融机构的工作人员在票据业务中，对违反[票据法](#)规定的票据予以承兑、付款或者保证，造成重大损失的，处五年以下有期徒刑或者拘役；造成特别重大损失的，处五年以上有期徒刑。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百九十条 【逃汇罪】公司、企业或者其他单位，违反国家规定，擅自将外汇存放境外，或者将境内的外汇非法转移到境外，数额较大的，对单位判处逃汇数额百分之五以上百分之三十以下罚金，并对其直接负责的主管人员和其他直接责任人员处五年以下有期徒刑或者拘役；数额巨大或者有其他严重情节的，对单位判处逃汇数额百分之五以上百分之三十以下罚金，并对其直接负责的主管人员和其他直接责任人员处五年以上有期徒刑。

第一百九十一条 【洗钱罪】为掩饰、隐瞒毒品犯罪、黑社会性质的组织犯罪、恐怖活动犯罪、走私犯罪、贪污贿赂犯罪、破坏金融管理秩序犯罪、金融诈骗犯罪的所得及其产生的收益的来源和性质，有下列行为之一的，没收实施以上犯罪的所得及其产生的收益，处五年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处五年以上十年以下有期徒刑，并处罚金：

- （一）提供资金帐户的；
- （二）将财产转换为现金、金融票据、有价证券的；
- （三）通过转帐或者其他支付结算方式转移资金的；
- （四）跨境转移资产的；
- （五）以其他方法掩饰、隐瞒犯罪所

and gains accrued by such proceeds.

Where an entity commits a crime provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provision of the preceding paragraph.

Section 5 . Crimes of Financial Fraud

Article 192 . Whoever illegally raises funds by fraudulent means for the purpose of illegal possession shall, if the amount involved is relatively large, be sentenced to imprisonment of not less than three years nor more than seven years and a fine; or if the amount involved is huge or there is any other serious circumstance, be sentenced to imprisonment of not less than seven years or life imprisonment and a fine or forfeiture of property.

Where an entity commits a crime provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provision of the preceding paragraph.

Article 193 . Whoever for the purpose of illegal possession commits any of the following acts to defraud the banks or other monetary institutions of loans, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan, or confiscation of property:

- (1) cooking up false reasons for importing funds or projects;
- (2) using false economic contracts;
- (3) using false certificates;
- (4) using false property right certificates for guarantee or making duplicate guarantee exceeding the value of the mortgaged goods; and
- (5) defrauding loans by other means.

Article 194 . Whoever commits any of the following acts to carry out fraudulent activities with financial bills, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and to a fine of not

得及其收益的来源和性质的。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第五节 金融诈骗罪

第一百九十二条 【集资诈骗罪】以非法占有为目的，使用诈骗方法非法集资，数额较大的，处三年以上七年以下有期徒刑，并处罚金；数额巨大或者有其他严重情节的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百九十三条 【贷款诈骗罪】有下列情形之一，以非法占有为目的，诈骗银行或者其他金融机构的贷款，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

- (一) 编造引进资金、项目等虚假理由的；
- (二) 使用虚假的经济合同的；
- (三) 使用虚假的证明文件的；
- (四) 使用虚假的产权证明作担保或者超出抵押物价值重复担保的；
- (五) 以其他方法诈骗贷款的。

第一百九十四条 【票据诈骗罪】有下列情形之一，进行金融票据诈骗活动，数额较大的，处五年以下有期徒刑

less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous, or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment and a fine of not less than 50,000 yuan and not more than 500,000 yuan, or confiscation of property:

- (1) knowingly using forged, altered drafts, cashier's checks, and checks;
- (2) knowingly using voided drafts, cashier's checks, checks;
- (3) uttering other people's drafts, cashier's checks, checks;
- (4) signing a dud check or a check with signature different from the specimen one;
- (5) issuing drafts or cashier's checks without guaranteed funds, or making false records in issuing drafts or cashier's checks to defraud money and goods.

Whoever uses forged and altered documents of authority for collection, remittance documents, bank certificates of deposit, and other bank documents of settlement is to be punished in accordance with the stipulations of the preceding paragraph.

Article 195 . Whoever uses one of the following ways for fraudulent activities with letters of credit is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan or confiscation of property:

- (1) using forged or altered letters of credit or bills and documents attached;
- (2) using voided letters of credit;
- (3) obtaining letters of credit by fraud; and
- (4) carrying out fraudulent activities with letters of credit in other ways.

刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

- (一) 明知是伪造、变造的汇票、本票、支票而使用的；
- (二) 明知是作废的汇票、本票、支票而使用的；
- (三) 冒用他人的汇票、本票、支票的；
- (四) 签发空头支票或者与其预留印鉴不符的支票，骗取财物的；
- (五) 汇票、本票的出票人签发无资金保证的汇票、本票或者在出票时作虚假记载，骗取财物的。

【金融凭证诈骗罪】使用伪造、变造的委托收款凭证、汇款凭证、银行存单等其他银行结算凭证的，依照前款的规定处罚。

第一百九十五条 【信用证诈骗罪】 有下列情形之一，进行信用证诈骗活动的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

- (一) 使用伪造、变造的信用证或者附随的单据、文件的；
- (二) 使用作废的信用证的；
- (三) 骗取信用证的；
- (四) 以其他方法进行信用证诈骗活

Article 196 . Anyone who commits fraud by means of a credit card in any of the following ways shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than 5 years or limited incarceration and shall be concurrently or separately fined 20,000 yuan up to 200,000 yuan; if the sum involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of 5 up to 10 years and shall be concurrently fined 50,000 yuan up to 500,000 yuan; if the sum involved is extremely huge, or if there are other extremely serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall be concurrently fined 50,000 yuan up to 500,000 yuan or be sentenced to confiscation of all personal property:

- (1) using a forged credit card or using a credit card obtained by using false identity certification;
- (2) using an invalidated credit card;
- (3) illegally using another's credit card; or
- (4) overdrawing with ill intentions.

The phrase "overdrawing with ill intentions" as mentioned in the preceding paragraph means that a credit card holder who, for the purpose of illegal possession, overdraws beyond the limited amount or beyond the time limit and refuses to repay the overdrawn amount after the bank that issues the card demands him to do so.

Anyone who steals a credit card and uses it shall be convicted and punished in accordance with the provisions in Article 264 of this Law.

Article 197 . Whoever uses a relatively substantial amount of forged or altered treasury bills or other negotiable securities issued by the state to engage in fraudulent activities shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration and be fined no more than 200,000 yuan but no less than 20,000 yuan; when the amount is large and other serious circumstances are involved, the sentence shall be no more than 10 years but no less than five years of fixed-term imprisonment and a fine of no more than 500,000 yuan but no less than 50,000 yuan; and when the amount is extraordinarily large and other especially serious circumstances are involved, the sentence shall be life imprisonment or no less than 10 years of fixed-term imprisonment and a fine of no more than 500,000 yuan but no less than 50,000 yuan, or confiscation of property.

Article 198 . Fraudulent insurance activities falling under any one of the following circumstances shall, for cases involving relatively large amounts be punished with imprisonment or limited incarceration of less than five years, with a fine of over 10,000 yuan but less than 100,000 yuan; for cases involving large amounts, or of a

动的。

第一百九十六条 【信用卡诈骗罪】

有下列情形之一，进行信用卡诈骗活动，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

- （一）使用伪造的信用卡，或者使用以虚假的身份证明骗领的信用卡的；
- （二）使用作废的信用卡的；
- （三）冒用他人信用卡的；
- （四）恶意透支的。

前款所称恶意透支，是指持卡人以非法占有为目的，超过规定限额或者规定期限透支，并且经发卡银行催收后仍不归还的行为。

【盗窃罪】盗窃信用卡并使用的，依照本法第二百六十四条的规定定罪处罚。

第一百九十七条 【有价证券诈骗罪】

使用伪造、变造的国库券或者国家发行的其他有价证券，进行诈骗活动，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

第一百九十八条 【保险诈骗罪】

有下列情形之一，进行保险诈骗活动，数额较大的，处五年以下有期徒刑或者拘役，并处一万元以上十万元以下

serious nature, with imprisonment of over five years but less than 10 years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving extraordinarily large amounts, or of a serious nature, with imprisonment of over 10 years, with a fine of over 20,000 yuan but less than 200,000 yuan, or with forfeiture of property:

(1) policy holder intentionally fabricates insurance object to deceive insurance money;

(2) policy holder, the insured, or the beneficiary fabricates false causes to insurance incident or inflate the extent of loss to deceive insurance money;

(3) policy holder, the insured, or the beneficiary fabricate non-existing insurance incident to deceive insurance money;

(4) policy holder, the insured, or the beneficiary intentionally create an insurance incident with property loss to deceive insurance money; or

(5) policy holder or the beneficiary intentionally causes the death, injury, or sickness of the insured to deceive insurance money.

Acts falling under preceding Paragraphs (4) and (5) which constitute other crimes shall be punished for all offenses committed.

Units violating Paragraph (1) shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or limited incarceration of less than five years; for cases involving large amounts, or of a serious nature, with imprisonment of over five years but less than 10 years; for cases involving extraordinarily large amounts, with imprisonment of over five years but less than 10 years; or, in cases involving an extraordinary large amount, or of a serious nature, with imprisonment of over 10 years.

Appraisers, certifiers, and property valuers, who intentionally provide false evidence to abet others to commit fraud, shall be punished as insurance fraudulence accomplices.

Article 199 Deleted according to [Amendment \(IX\) to the Criminal Law of the People's Republic of China](#)

Article 200 . Where an entity commits a crime provided for in Article 194 or 195 of this Section, the entity shall be sentenced to a fine, and its directly liable executive and other directly liable persons shall each be sentenced to imprisonment of not more than

罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑，并处二万元以上二十万元以下罚金或者没收财产；

（一）投保人故意虚构保险标的，骗取保险金的；

（二）投保人、被保险人或者受益人对发生的保险事故编造虚假的原因或者夸大损失的程度，骗取保险金的；

（三）投保人、被保险人或者受益人编造未曾发生的保险事故，骗取保险金的；

（四）投保人、被保险人故意造成财产损失的保险事故，骗取保险金的；

（五）投保人、受益人故意造成被保险人死亡、伤残或者疾病，骗取保险金的。

有前款第四项、第五项所列行为，同时构成其他犯罪的，依照数罪并罚的规定处罚。

单位犯第一款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑。

保险事故的鉴定人、证明人、财产评估人故意提供虚假的证明文件，为他人诈骗提供条件的，以保险诈骗的共犯论处。

第一百九十九条 （根据《[中华人民共和国刑法修正案（九）](#)》删去本条内容）

第二百条 【单位犯金融诈骗罪的处罚规定】单位犯本节第一百九十四条、第一百九十五条规定之罪的，对单位

five years or limited incarceration, and may each be sentenced to a fine; or if the amount involved is huge or there is any other serious circumstance, be sentenced to imprisonment of not less than five years nor more than ten years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, be sentenced to imprisonment of not less than ten years or life imprisonment and a fine.

Section 6 . Offenses Against Tax Collection and Management

Article 201 . Where any taxpayer files false tax returns by cheating or concealment or fails to file tax returns, and the amount of evaded taxes is relatively large and accounts for more than 10 percent of payable taxes, he shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; or if the amount is huge and accounts for more than 30 percent of payable taxes, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Where any withholding agent fails to pay or fails to pay in full the withheld or collected taxes by cheating or concealment, and the amount is relatively large, he shall be punished under the preceding paragraph.

Where either of the acts described in the preceding two paragraphs is committed many times without punishment, the amount shall be calculated on an accumulated basis.

Where any taxpayer who committed the act as described in paragraph 1 has made up the payable taxes and paid the late fine after the tax authority sent down the notice of tax recovery according to law, and has been administratively punished, he shall not be subject to criminal liability, except one who has been criminally punished in five years for evading tax payment or has been, twice or more, administratively punished by the tax authorities.

Article 202 . Using violence or threatening means to refuse payment of tax shall be punished with imprisonment or limited incarceration of less than three years, with a fine of over 100 percent but less than 500 percent of the amount of taxes so refused to pay; for cases of a serious nature, with imprisonment of over three years but less than seven years, with a fine of over 100 percent but less than 500 percent of the amount of taxes so refused to pay.

Article 203 . Taxpayers who fail to settle payable taxes, or transfer or conceal property resulting in tax organs being unable to recover the owed taxes of over 10,000 yuan but less than 100,000 yuan, shall be punished with imprisonment or limited incarceration of less than three years, with a fine or a separately imposed fine of over 100 percent and less than 500 percent of the unsettled amount; if the amount in question exceeds 100,000 yuan, with imprisonment of over three years but less than seven years, with a fine of over 100 percent but less than 500 percent of the unsettled amount.

判处有期徒刑，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，可以并处罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金。

第六节 危害税收征管罪

第二百零一条 【逃税罪】 纳税人采取欺骗、隐瞒手段进行虚假纳税申报或者不申报，逃避缴纳税款数额较大并且占应纳税额百分之十以上的，处三年以下有期徒刑或者拘役，并处罚金；数额巨大并且占应纳税额百分之三十以上的，处三年以上七年以下有期徒刑，并处罚金。

扣缴义务人采取前款所列手段，不缴或者少缴已扣、已收税款，数额较大的，依照前款的规定处罚。

对多次实施前两款行为，未经处理的，按照累计数额计算。

有第一款行为，经税务机关依法下达追缴通知后，补缴应纳税款，缴纳滞纳金，已受行政处罚的，不予追究刑事责任；但是，五年内因逃避缴纳税款受过刑事处罚或者被税务机关给予二次以上行政处罚的除外。

第二百零二条 【抗税罪】 以暴力、威胁方法拒不缴纳税款的，处三年以下有期徒刑或者拘役，并处拒缴税款一倍以上五倍以下罚金；情节严重的，处三年以上七年以下有期徒刑，并处拒缴税款一倍以上五倍以下罚金。

第二百零三条 【逃避追缴欠税罪】 纳税人欠缴应纳税款，采取转移或者隐匿财产的手段，致使税务机关无法追缴欠税的税款，数额在一万元以上不满十万元的，处三年以下有期徒刑或者拘役，并处或者单处欠缴税款一倍以上五倍以下罚金；数额在十万元

Article 204 . Using false export reports or other fraudulent means to defraud state export tax refunds involving a relatively large amount shall be punished with imprisonment or limited incarceration of less than five years, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund; for cases involving large amounts or of a serious nature, with imprisonment of over five years but less than 10 years, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund; for cases involving extraordinarily large amounts, or of a especially serious nature with imprisonment of over 10 years or life imprisonment, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund, or with forfeiture of property.

Tax payers using the fraudulent means mentioned in preceding paragraph to deceptively reclaim their paid taxes shall be convicted and punished according to provisions of Article 201, with those who deceptively claim more than what they have paid, being punished according to provisions of the preceding paragraph.

Article 205 . Falsely issuing exclusive value-added tax invoices or other invoices to defraud export tax refunds or to off set taxes shall be punished with imprisonment or limited incarceration of less than three years, with a fine of over 20,000 yuan and less than 200,000 yuan; for cases involving relatively large amounts of falsely reported taxes, or of a serious nature, with imprisonment of over three years and less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large amounts of falsely reported taxes, or of a more serious nature, with imprisonment of over 10 years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Units committing offenses under this article shall be punished with a fine, with personnel directly in charge or other directly responsible personnel being punished with imprisonment of limited incarceration of less than three years; for cases involving relatively large amounts of taxes, or with a serious nature, with imprisonment of over three years but less than ten years; for cases involving large amounts of taxes, or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

Falsely issuing exclusive value-added tax invoices or other invoices to defraud export

以上的，处三年以上七年以下有期徒刑，并处欠缴税款一倍以上五倍以下罚金。

第二百零四条 【骗取出口退税罪】

【逃税罪】以假报出口或者其他欺骗手段，骗取国家出口退税款，数额较大的，处五年以下有期徒刑或者拘役，并处骗取税款一倍以上五倍以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处骗取税款一倍以上五倍以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处骗取税款一倍以上五倍以下罚金或者没收财产。

纳税人缴纳税款后，采取前款规定的欺骗方法，骗取所缴纳的税款的，依照本法第二百零一条的规定定罪处罚；骗取税款超过所缴纳的税款部分，依照前款的规定处罚。

第二百零五条 【虚开增值税专用发票、用于骗取出口退税、抵扣税款发票罪】

虚开增值税专用发票或者虚开用于骗取出口退税、抵扣税款的其他发票的，处三年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；虚开的税款数额较大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；虚开的税款数额巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

单位犯本条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役；虚开的税款数额较大或者有其他严重情节的，处三年以上十年以下有期徒刑；虚开的税款数额巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑。

虚开增值税专用发票或者虚开用于骗

tax refunds or to off set taxes refers to any false issuance intended for others or himself, or letting others falsely issue for him, or induce others to falsely issue.

Article 205 (I): Whoever falsely issues any invoice other than those as mentioned in Article 205 of this Law shall be sentenced to imprisonment of not more than 2 years, limited incarceration or probation and a fine if the circumstances are serious; or be sentenced to imprisonment of not less than 2 years but not more than 7 years and a fine if the circumstances are especially serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Article 206 . Forging or selling forged exclusive value- added tax invoices shall be punished with imprisonment or limited incarceration or restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving relatively large quantities, or of a serious nature, with imprisonment of over three years and less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large quantities or of a especially serious nature, with imprisonment of over ten years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Units committing offenses under this article shall be punished with a fine, with personnel directly in charge or other directly responsible personnel being punished with imprisonment or limited incarceration, or restriction for less than three years; for cases involving relatively large quantities or of a serious nature, with imprisonment of over three years but less than 10 years; for cases involving large quantities or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

Article 207 . Committing illegal sale of exclusive value-added tax invoices shall be punished with imprisonment or limited incarceration, or restriction for less than three years, with a fine over 20,000 yuan but less than 200,000 yuan.; for cases involving relatively large quantities, with imprisonment over three years but less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large quantity with imprisonment of over 10 years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

取出口退税、抵扣税款的其他发票，是指为他人虚开、为自己虚开、让他人為自己虚开、介绍他人虚开行为之一的。

第二百零五条 之一 【虚开发票罪】
虚开本法第二百零五条规定以外的其他发票，情节严重的，处二年以下有期徒刑、拘役或者管制，并处罚金；情节特别严重的，处二年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第二百零六条 【伪造、出售伪造的增值税专用发票罪】伪造或者出售伪造的增值税专用发票的，处三年以下有期徒刑、拘役或者管制，并处二万元以上二十万元以下罚金；数量较大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数量巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

单位犯本条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑、拘役或者管制；数量较大或者有其他严重情节的，处三年以上十年以下有期徒刑；数量巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑。

第二百零七条 【非法出售增值税专用发票罪】非法出售增值税专用发票的，处三年以下有期徒刑、拘役或者管制，并处二万元以上二十万元以下罚金；数量较大的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数量巨大的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 208 . Illegal purchase of exclusive value-added tax invoices or forged exclusive value-added tax invoices shall be punished with imprisonment or limited incarceration of less than five years, with a fine or a separately imposed fine of over 20,000 yuan and less than 200,000 yuan.

Falsely issuing or reselling illegally purchased exclusive value-added tax invoices or forged exclusive value-added tax invoices shall be convicted and punished respectively under Articles 205, 206, and 207 of this law.

Article 209 . Forging or manufacturing without authority or selling or manufacturing without authority other invoices usable for defrauding export tax refunds or offsetting taxes shall be punished with imprisonment or limited incarceration and restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving large quantities, with imprisonment of over three years but less than seven years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving extraordinarily large quantities, with imprisonment of over seven years, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Forging or manufacturing without authority or selling other invoices manufactured without authority, which have not been mentioned in the preceding paragraph, shall be punished with imprisonment or limited incarceration of, or restriction for less than two years, with a fine of over 10,000 yuan but less than 50,000 yuan; for cases of a serious nature, with imprisonment of over two years and less than seven years, with a fine of over 50,000 yuan and less than 500,000 yuan.

Illegal sale of other invoices usable for defrauding export tax refunds or offsetting taxes shall be punished according to the first paragraph.

Illegal sale of other invoices not mentioned in the third paragraph shall be punished according to the second paragraph.

Article 210 . Theft of exclusive value-added tax invoices or other invoices usable in

第二百零八条

【非法购买增值税专用发票、购买伪造的增值税专用发票罪】非法购买增值税专用发票或者购买伪造的增值税专用发票的，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

【虚开增值税专用发票罪，出售伪造的增值税专用发票罪，非法出售增值税专用发票罪】非法购买增值税专用发票又虚开或者出售的，分别依照本法第二百零五条、第二百零六条、第二百零七条的规定定罪处罚。

第二百零九条 【非法制造、出售非法制造的用于骗取出口退税、抵扣税款的发票罪】伪造、擅自制造或者出售伪造、擅自制造的可以用于骗取出口退税、抵扣税款的其他发票的，处三年以下有期徒刑、拘役或者管制，并处二万元以上二十万元以下罚金；数量巨大的，处三年以上七年以下有期徒刑，并处五万元以上五十万元以下罚金；数量特别巨大的，处七年以上有期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

【非法制造、出售非法制造的发票罪】伪造、擅自制造或者出售伪造、擅自制造的前款规定以外的其他发票的，处二年以下有期徒刑、拘役或者管制，并处或者单处一万元以上五万元以下罚金；情节严重的，处二年以上七年以下有期徒刑，并处五万元以上五十万元以下罚金。

【非法出售用于骗取出口退税、抵扣税款发票罪】非法出售可以用于骗取出口退税、抵扣税款的其他发票的，依照第一款的规定处罚。

【非法出售发票罪】非法出售第三款规定以外的其他发票的，依照第二款的规定处罚。

第二百一十条 【盗窃罪】盗窃增值

defrauding export tax refunds or offsetting taxes, shall be convicted and punished according to Article 264 of this law.

Obtaining by fraudulent means exclusive value-added tax invoices or other invoices usable in defrauding export tax refunds or offsetting taxes shall be convicted and punished according to Article 266 of this law.

Article 210 (I): Whoever knowingly holds counterfeit invoices shall be sentenced to imprisonment of not more than 2 years, limited incarceration or probation and a fine if the quantity is relatively large; or be sentenced to imprisonment of not less than 2 years but not more than 7 years and a fine if the quantity is huge.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Article 211 . Units committing offenses under Articles 201, 203, 204, 207, 208, and 209 of this section shall be punished with fines, with personnel directly in charge and other directly responsible personnel being punished according to these articles, respectively.

Article 212 Fines and forfeitures of property imposed against offenders convicted under Articles 201 through 205 of this section should not be enforced until the tax authorities have recovered the taxes in question and the export tax refunds so defrauded.

Section 7 . Infringement of Intellectual Property Rights

Article 213 . Whoever, without the permission of the owner of a registered trademark, uses a trademark identical with the registered trademark on the same kind of goods or services shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

Article 214 . Whoever knowingly sells goods on which a false registered trademark is used shall, if the amount of illegal income is relatively large or there is any other serious circumstance, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the amount of illegal income is huge or there is

税专用发票或者可以用于骗取出口退税、抵扣税款的其他发票的,依照本法第二百六十四条的规定定罪处罚。

【诈骗罪】使用欺骗手段骗取增值税专用发票或者可以用于骗取出口退税、抵扣税款的其他发票的,依照本法第二百六十六条的规定定罪处罚。

第二百一十条 之一 【持有伪造的发票罪】明知是伪造的发票而持有,数量较大的,处二年以下有期徒刑、拘役或者管制,并处罚金;数量巨大的,处二年以上七年以下有期徒刑,并处罚金。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

第二百一十一条 【单位犯危害税收征管罪的处罚规定】单位犯本节第二百零一条、第二百零三条、第二百零四条、第二百零七条、第二百零八条、第二百零九条规定之罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照各该条的规定处罚。

第二百一十二条 【税收征缴优先原则】犯本节第二百零一条至第二百零五条规定之罪,被处罚金、没收财产的,在执行前,应当先由税务机关追缴税款和所骗取的出口退税款。

第七节 侵犯知识产权罪

第二百一十三条 【假冒注册商标罪】未经注册商标所有人许可,在同一种商品、服务上使用与其注册商标相同的商标,情节严重的,处三年以下有期徒刑,并处或者单处罚金;情节特别严重的,处三年以上十年以下有期徒刑,并处罚金。

第二百一十四条 【销售假冒注册商标的商品罪】销售明知是假冒注册商标的商品,违法所得数额较大或者有其他严重情节的,处三年以下有期徒刑

any other especially serious circumstance, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

Article 215 . Whoever forges or produces without permission the labels of another person's registered trademark or sells the labels of a registered trademark that are forged or produced without permission shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

Article 216 . Whoever counterfeits other people's patents, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

Article 217 . Whoever falls under any of the following circumstances to, for profits, infringe upon any copyright or any right related to copyright shall, if the amount of illegal income is relatively large or there is any other serious circumstance, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the amount of illegal income is huge or there is any other especially serious circumstance, be sentenced to imprisonment of not less than three years nor more than ten years and a fine:

(1) Reproducing and distributing or communicating to the public through an information network any written work, musical work, work of fine arts, audiovisual work, computer software, or other work set out by a law or administrative regulation without the permission of its copyright owner.

(2) Publishing any book of which another person has the exclusive right of publication.

(3) Reproducing and distributing or communicating to the public through an information network any audio or video recording without the permission of its producer.

(4) Reproducing and distributing any audio or video recording of, or communicating to the public through an information network, any performance without the permission of its performer.

(5) Producing or selling any work of fine arts on which the signature of author is fake.

(6) Intentionally evading or disrupting the technical measures taken by a copyright

刑，并处或者单处罚金；违法所得数额巨大或者有其他特别严重情节的，处三年以上十年以下有期徒刑，并处罚金。

第二百一十五条 【非法制造、销售非法制造的注册商标标识罪】 伪造、擅自制造他人注册商标标识或者销售伪造、擅自制造的注册商标标识，情节严重的，处三年以下有期徒刑，并处或者单处罚金；情节特别严重的，处三年以上十年以下有期徒刑，并处罚金。

第二百一十六条 【假冒专利罪】 假冒他人专利，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

第二百一十七条 【侵犯著作权罪】 以营利为目的，有下列侵犯著作权或者与著作权有关的权利的情形之一，违法所得数额较大或者有其他严重情节的，处三年以下有期徒刑，并处或者单处罚金；违法所得数额巨大或者有其他特别严重情节的，处三年以上十年以下有期徒刑，并处罚金：

（一）未经著作权人许可，复制发行、通过信息网络向公众传播其文字作品、音乐、美术、视听作品、计算机软件及法律、行政法规规定的其他作品的；

（二）出版他人享有专有出版权的图书的；

（三）未经录音录像制作者许可，复制发行、通过信息网络向公众传播其制作的录音录像的；

（四）未经表演者许可，复制发行录有其表演的录音录像制品，或者通过信息网络向公众传播其表演的；

（五）制作、出售假冒他人署名的美术作品的；

（六）未经著作权人或者与著作权有

owner or the holder of a right related to the copyright to protect the copyright or right related to the copyright in a work or audio or video recording, among others, without the permission of the copyright owner or right holder.

Article 218 . Whoever, for profits, knowingly sells any infringing reproductions set forth in Article 217 of this Law shall, if the amount of illegal income is huge or there is any other especially serious circumstance, be sentenced to imprisonment of not more than five years and a fine or be sentenced to a fine only.

Article 219 . Whoever commits any of the following conduct to infringe upon a trade secret shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more ten years and a fine:

(1) Obtaining a right holder's trade secret by theft, bribery, fraud, coercion, electronic intrusion, or any other illicit means.

(2) Disclosing, using, or allowing any other person to use a trade secret obtained from a right holder by any means as mentioned in the preceding paragraph.

(3) Disclosing, using, or allowing any other person to use a trade secret known by him or her in violation of confidentiality obligations or the right holder's requirements for keeping the trade secret confidential.

Whoever knows any conduct set forth in the preceding paragraph but still acquires, discloses, uses, or allows any other person to use the trade secret shall be punished for infringing upon the trade secret.

For the purposes of this article, 'right holder' means the owner of a trade secret and any person permitted by the owner to use the trade secret.

Article 219 (I): Whoever steals, pries into, buys, or illegally provides any trade secret for any overseas institution, organization, or individual shall be sentenced to imprisonment of not more than five years and a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than five years and a fine.

Article 220 . Where an entity commits a crime provided for in Article 213 through Article 219A of this Section, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in

关的权利人许可，故意避开或者破坏权利人为其作品、录音录像制品等采取的保护著作权或者与著作权有关的权利的技术措施的。

第二百一十八条 【销售侵权复制品罪】以营利为目的，销售明知是本法第二百一十七条规定的侵权复制品，违法所得数额巨大或者有其他严重情节的，处五年以下有期徒刑，并处或者单处罚金。

第二百一十九条 【侵犯商业秘密罪】有下列侵犯商业秘密行为之一，情节严重的，处三年以下有期徒刑，并处或者单处罚金；情节特别严重的，处三年以上十年以下有期徒刑，并处罚金：

（一）以盗窃、贿赂、欺诈、胁迫、电子侵入或者其他不正当手段获取权利人的商业秘密的；

（二）披露、使用或者允许他人使用以前项手段获取的权利人的商业秘密的；

（三）违反保密义务或者违反权利人有关保守商业秘密的要求，披露、使用或者允许他人使用其所掌握的商业秘密的。

明知前款所列行为，获取、披露、使用或者允许他人使用该商业秘密的，以侵犯商业秘密论。

本条所称权利人，是指商业秘密的所有人和经商业秘密所有人许可的商业秘密使用人。

第二百一十九条 之一 为境外的机构、组织、人员窃取、刺探、收买、非法提供商业秘密的，处五年以下有期徒刑，并处或者单处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

第二百二十条 【单位犯侵犯知识产权罪的处罚规定】单位犯本节第二百一十三条至第二百一十九条之一规定

accordance with the provisions of the aforesaid articles of this Section respectively.

Section 8 . Crimes of Disrupting Market Order

Article 221 . Whoever fabricates and spreads falsified information to impair other people's commercial reputation and commodity reputation, and causes significant losses to others or if there are other serious circumstances, is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

Article 222 . Where, in violation of the state regulations, an advertisement owner, advertising agency, or advertisement carrier gives false publicity by taking the advantage of advertising a commodity or service, and when the circumstances are serious, he shall be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

Article 223 . Where bidders submit tenders in collusion and harm the interests of persons inviting tenders or other bidders, and when the circumstances are serious, they shall be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

Where bidders and persons inviting tenders harm the legitimate interests of the state, collectives, and the public by colluding in the bidding, they are to be punished in accordance with the stipulations stated in the preceding paragraph.

Article 224 . Whoever, for the purpose of illegal possession, uses one of the following means during signing or executing a contract to obtain property and goods of the opposite party by fraud, and when the amount of money is relatively large, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine; or be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine, if the amount of money is huge or there are other serious circumstances; or be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment and a fine or confiscation of property, if the amount of money is particularly huge or there are other particularly serious circumstances:

- (1) sign a contract in the name of a made-up unit or under somebody else's name;
- (2) use forged, altered, or invalid negotiable instruments or other false certificates of property rights as guaranties;
- (3) fulfill small-amount contracts or partially fulfill the contract, instead of actually

之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本节各该条的规定处罚。

第八节 扰乱市场秩序罪

第二百二十一条 【损害商业信誉、商品声誉罪】捏造并散布虚伪事实，损害他人的商业信誉、商品声誉，给他人造成重大损失或者有其他严重情节的，处二年以下有期徒刑或者拘役，并处或者单处罚金。

第二百二十二条 【虚假广告罪】广告主、广告经营者、广告发布者违反国家规定，利用广告对商品或者服务作虚假宣传，情节严重的，处二年以下有期徒刑或者拘役，并处或者单处罚金。

第二百二十三条 【串通投标罪】投标人相互串通投标报价，损害招标人或者其他投标人利益，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

投标人与招标人串通投标，损害国家、集体、公民的合法利益的，依照前款的规定处罚。

第二百二十四条 【合同诈骗罪】有下列情形之一，以非法占有为目的，在签订、履行合同过程中，骗取对方当事人财物，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产：

- (一) 以虚构的单位或者冒用他人名义签订合同的；
- (二) 以伪造、变造、作废的票据或者其他虚假的产权证明作担保的；
- (三) 没有实际履行能力，以先履行

fulfilling the contract, to inveigle the opposite party into continuing to sign and fulfill the contract;

(4) go into hiding after receiving goods, payment, advance payment, or property as guaranty from the opposite party;

(5) defraud the opposite party's property through other means.

Article 224 (I): Whoever organizes or leads the pyramid selling activities to cheat the participants of property and disturb the economic and social order, in which, in the name of marketing commodities, providing services or any other business operation, the participants are required to obtain the qualification for participation by paying fees, purchasing commodities or services or any other means, the participants are classified into different levels according to a certain order, the calculation of remunerations or kickbacks to participants is directly or indirectly dependent on the number of persons recruited, and the participants are induced to continue or coerced into continuing recruiting others to participate, shall be sentenced to fixed-term imprisonment not more than five years or limited incarceration, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than five years, and be fined.

Article 225 . Whoever, in violation of the state stipulations, has one of the following illegal business acts, which disrupts the market order and when the circumstances are serious, is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine not less than 100 percent and not more than 500 percent of his illegal income and, where the circumstances are particularly serious, be sentenced to not less than five years of fixed-term imprisonment and a fine not less than 100 percent and not more than 500 percent of his illegal income or the confiscation of his property:

(1) engage in the monopoly business or monopolized commodities stipulated in laws and administrative regulations, or other commodities whose purchase and sale are controlled, without permission;

(2) purchase and sell import-export licenses, certificates of origin, and operation permits or approved documents stipulated by other laws and administrative regulations;

(3) illegally operating the business of securities, futures or insurance, or illegally engaging in fund payment and settlement business, without the approval of the relevant competent departments of the state;

(4) conduct other illegal business activities that seriously disrupt the market order.

Article 226 . Whoever commits any of the following acts by violence or threat shall be

小额合同或者部分履行合同的方法，诱骗对方当事人继续签订和履行合同的；

（四）收受对方当事人给付的货物、货款、预付款或者担保财产后逃匿的；

（五）以其他方法骗取对方当事人财物的。

第二百二十四条 之一 【组织、领导传销活动罪】组织、领导以推销商品、提供服务等经营活动为名，要求参加者以缴纳费用或者购买商品、服务等方式获得加入资格，并按照一定顺序组成层级，直接或者间接以发展人员的数量作为计酬或者返利依据，引诱、胁迫参加者继续发展他人参加，骗取财物，扰乱经济社会秩序的传销活动的，处五年以下有期徒刑或者拘役，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

第二百二十五条 【非法经营罪】违反国家规定，有下列非法经营行为之一，扰乱市场秩序，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处违法所得一倍以上五倍以下罚金；情节特别严重的，处五年以上有期徒刑，并处违法所得一倍以上五倍以下罚金或者没收财产：

（一）未经许可经营法律、行政法规规定的专营、专卖物品或者其他限制买卖的物品的；

（二）买卖进出口许可证、进出口原产地证明以及其他法律、行政法规规定的经营许可证或者批准文件的；

（三）未经国家有关主管部门批准非法经营证券、期货、保险业务的，或者非法从事资金支付结算业务的；

（四）其他严重扰乱市场秩序的非法经营行为。

第二百二十六条 【强迫交易罪】以

sentenced to imprisonment of not more than 3 years or limited incarceration and/or a fine if the circumstances are serious; or be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine if the circumstances are especially serious:

(1) Forcing any other person to purchase or sell commodities;

(2) Forcing any other person to provide or accept services;

(3) Forcing any other person to participate in or withdraw from a bidding or audition;

(4) Forcing any other person to transfer or acquire stocks or bonds of a corporation or enterprise or any other asset; or

(5) Forcing any other person to participate in or withdraw from a certain business operation.

Article 227 . Whoever forges or profiteers from forged train and ship tickets, stamps, or other valuable coupons, which involve a relatively large amount of money, is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration or probation, and may in addition or exclusively be sentenced to a fine not less than 100 percent and not more than 500 percent of the amount of the coupons; or, if a huge amount is involved, to not less than two years and not more than seven years of fixed-term imprisonment and a fine not less than 100 percent and not more than 500 percent of the amount of the coupons.

Whoever profiteers from train and ship tickets, when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration or probation, and may in addition or exclusively be sentenced to a fine of not less than 100 percent and not more than 500 percent of the amount of the coupons.

Article 228 . Whoever, for the purpose of seeking personal gain, violates the laws and regulations on land management by illegally transferring and profiteering from land use rights and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or may in addition or exclusively be sentenced to a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights or, when the circumstances are particularly serious, is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights.

Article 229 . Where any employee of an intermediary organization assuming asset appraisal, capital verification, validation, accounting, auditing, legal service,

暴力、威胁手段，实施下列行为之一，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金：

（一）强买强卖商品的；

（二）强迫他人提供或者接受服务的；

（三）强迫他人参与或者退出投标、拍卖的；

（四）强迫他人转让或者收购公司、企业的股份、债券或者其他资产的；

（五）强迫他人参与或者退出特定的经营活动的。

第二百二十七条 【伪造、倒卖伪造的有价票证罪】 伪造或者倒卖伪造的车票、船票、邮票或者其他有价票证，数额较大的，处二年以下有期徒刑、拘役或者管制，并处或者单处票证价额一倍以上五倍以下罚金；数额巨大的，处二年以上七年以下有期徒刑，并处票证价额一倍以上五倍以下罚金。

【倒卖车票、船票罪】 倒卖车票、船票，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处票证价额一倍以上五倍以下罚金。

第二百二十八条 【非法转让、倒卖土地使用权罪】 以牟利为目的，违反土地管理法规，非法转让、倒卖土地使用权，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处非法转让、倒卖土地使用权价额百分之五以上百分之二十以下罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处非法转让、倒卖土地使用权价额百分之五以上百分之二十以下罚金。

第二百二十九条 【提供虚假证明文件罪】 承担资产评估、验资、验证、

sponsorship, security evaluation, environmental impact assessment, environmental monitoring, or any other duty intentionally provides any supporting document that is false, the employee shall be sentenced to imprisonment of not more than five years or limited incarceration and a fine if the circumstances are serious; or under any of the following circumstances, the employee shall be sentenced to imprisonment of not less than five years nor more than ten years and a fine:

(1) Providing any false supporting document on asset appraisal, accounting, auditing, legal service, or sponsorship, among others, in relation to an offering of securities, with especially serious circumstances.

(2) Providing any false supporting document on asset appraisal, accounting, or auditing, among others, in relation to a major asset transaction, with especially serious circumstances.

(3) Providing any false supporting document on safety evaluation or environmental impact assessment, among others, for any major engineering works or project involving public security, which has caused an especially significant loss to the public property and the interests of the state and the people.

Whoever, while committing any conduct set forth in the preceding paragraph, solicits or illegally accepts any money or property from any other person, which constitutes a crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

An employee as mentioned in paragraph 1 of this article who, in gross disregard of his or her duty, produces any supporting document materially inconsistent with the facts, which has serious consequences, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only.

Article 230 . Whoever violates the rules of the [law on import-export commodity inspection](#) by avoiding commodity inspection and, without authorization, selling and using imported goods or exporting exported goods without having them gone through inspection by commodity inspection authorities as required, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine.

Article 231 . Where a unit commits the crimes stated in Article 221 through Article 230 of this section, it should be sentenced to a fine and its directly responsible person in charge and other directly responsible personnel be punished according to the stipulations in these articles.

会计、审计、法律服务、保荐、安全评价、环境影响评价、环境监测等职责的中介组织的人员故意提供虚假证明文件，情节严重的，处五年以下有期徒刑或者拘役，并处罚金；有下列情形之一的，处五年以上十年以下有期徒刑，并处罚金：

（一）提供与证券发行相关的虚假的资产评估、会计、审计、法律服务、保荐等证明文件，情节特别严重的；

（二）提供与重大资产交易相关的虚假的资产评估、会计、审计等证明文件，情节特别严重的；

（三）在涉及公共安全的重大工程、项目中提供虚假的安全评价、环境影响评价等证明文件，致使公共财产、国家和人民利益遭受特别重大损失的。

【提供虚假证明文件罪】有前款行为，同时索取他人财物或者非法收受他人财物构成犯罪的，依照处罚较重的规定定罪处罚。

【出具证明文件重大失实罪】第一款规定的人员，严重不负责任，出具的证明文件有重大失实，造成严重后果的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

第二百三十条 【逃避商检罪】违反[进出口商品检验法](#)的规定，逃避商品检验，将必须经商检机构检验的进口商品未报经检验而擅自销售、使用，或者将必须经商检机构检验的出口商品未报经检验合格而擅自出口，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

第二百三十一条 【单位犯扰乱市场秩序罪的处罚规定】单位犯本节第二百二十一条至第二百三十条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本节各该条的规定处罚。

Chapter IV Crimes of Infringing Upon the Rights of the Person and the Democratic Rights of Citizens

Article 232 . Whoever intentionally kills another is to be sentenced to death, life imprisonment or not less than 10 years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment.

Article 233 . Whoever negligently causes the death of another is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not more than three years of fixed-term imprisonment. Where this Law has other stipulations, matters are to be handled in accordance with such stipulations.

Article 234 . Whoever intentionally injures the person of another is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation.

Whoever commits the crime in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment; if he causes a person's death or causes a person's serious deformity by badly injuring him with particularly ruthless means, he is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or death. Where this Law has other stipulations, matters are to be handled in accordance with such stipulations.

Article 234 (I): Whoever organizes others to sell human organs shall be sentenced to imprisonment of not more than 5 years and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years and a fine or forfeiture of property.

Whoever removes any other person's organ without such other person's consent, removes any organ of a person under the age of 18 or forces or deceives any other person into donating any organ shall be convicted and punished according to the provisions of Articles 234 and 232 of this Law.

Whoever removes a dead person's organ against the person's will before his death or removes a dead person's organ against the will of the person's near relatives in violation of the provisions of the state provided that there is no consent from the person before his death shall be convicted and punished according to the provision of Article 302 of this Law.

Article 235 . Whoever negligently injures another and causes him serious injury is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration. Where this law has other stipulations, matters are to be handled in

第四章 侵犯公民人身权利、民主权利罪

第二百三十二条 【故意杀人罪】故意杀人的，处死刑、无期徒刑或者十年以上有期徒刑；情节较轻的，处三年以上十年以下有期徒刑。

第二百三十三条 【过失致人死亡罪】过失致人死亡的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑。本法另有规定的，依照规定。

第二百三十四条 【故意伤害罪】故意伤害他人身体的，处三年以下有期徒刑、拘役或者管制。

犯前款罪，致人重伤的，处三年以上十年以下有期徒刑；致人死亡或者以特别残忍手段致人重伤造成严重残疾的，处十年以上有期徒刑、无期徒刑或者死刑。本法另有规定的，依照规定。

第二百三十四条 之一 【组织出卖人体器官罪】组织他人出卖人体器官的，处五年以下有期徒刑，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产。

【故意伤害罪】【故意杀人罪】未经本人同意摘取其器官，或者摘取不满十八周岁的人的器官，或者强迫、欺骗他人捐献器官的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。

【盗窃、侮辱、故意毁坏尸体、尸骨、骨灰罪】违背本人生前意愿摘取其尸体器官，或者本人生前未表示同意，违反国家规定，违背其近亲属意愿摘取其尸体器官的，依照本法第三百零二条的规定定罪处罚。

第二百三十五条 【过失致人重伤罪】过失伤害他人致人重伤的，处三年以下有期徒刑或者拘役。本法另有规定

accordance with such stipulations.

Article 236 . Whoever rapes a woman by violence, coercion, or any other means shall be sentenced to imprisonment of not less than three years nor more than ten years.

Whoever has sex with a female child under the age of 14 shall be deemed to have committed rape, and be given a heavier punishment.

Whoever rapes a woman or has sex with a female child shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death under any of the following circumstances:

(1) Raping a woman or having sex with a female child, with execrable circumstances.

(2) Raping several women or having sex with several female children.

(3) Raping a woman or having sex with a female child in public at a public place.

(4) Gang-raping by two or more persons.

(5) Having sex with a female child under the age of 10 or causing any injury to a female child.

(6) Causing any serious injury to or the death of the victim or having any other serious consequence.

Article 236 (I): Where a person performing any guardianship, adoption, nursing, education, medical care, or other special duty to a female minor who has attained the age of 14 but under the age of 16 has sexual relations with the female minor, the person shall be sentenced to imprisonment of not more than three years; or if the circumstances are execrable, shall be sentenced to imprisonment of not less than three years nor more than ten years.

Where a person performing any guardianship, adoption, nursing, education, medical care, or other special duty to a female minor who has attained the age of 14 but under the age of 16 has sexual relations with the female minor, the person shall be sentenced to imprisonment of not more than three years; or if the circumstances are execrable, shall be sentenced to imprisonment of not less than three years nor more than ten years.

Article 237 . Whoever, by violence, coercion or other means, forces or molests any other person or humiliates a woman shall be sentenced to imprisonment of not more than five years or limited incarceration.

Whoever assembles a crowd to commit, or commits in a public place, the crime as provided for in the preceding paragraph, or has any other execrable circumstance shall

的, 依照规定。

第二百三十六条 【强奸罪】以暴力、胁迫或者其他手段强奸妇女的, 处三年以上十年以下有期徒刑。

奸淫不满十四周岁的幼女的, 以强奸论, 从重处罚。

强奸妇女、奸淫幼女, 有下列情形之一的, 处十年以上有期徒刑、无期徒刑或者死刑:

(一) 强奸妇女、奸淫幼女情节恶劣的;

(二) 强奸妇女、奸淫幼女多人的;

(三) 在公共场所当众强奸妇女、奸淫幼女的;

(四) 二人以上轮奸的;

(五) 奸淫不满十周岁的幼女或者造成幼女伤害的;

(六) 致使被害人重伤、死亡或者造成其他严重后果的。

第二百三十六条 之一 对已满十四周岁不满十六周岁的未成年女性负有监护、收养、看护、教育、医疗等特殊职责的人员, 与该未成年女性发生性关系的, 处三年以下有期徒刑; 情节恶劣的, 处三年以上十年以下有期徒刑。

有前款行为, 同时又构成本法第二百三十六条规定之罪的, 依照处罚较重的规定定罪处罚。

第二百三十七条 【强制猥亵、侮辱罪】以暴力、胁迫或者其他方法强制猥亵他人或者侮辱妇女的, 处五年以下有期徒刑或者拘役。

聚众或者在公共场所当众犯前款罪的, 或者有其他恶劣情节的, 处五年以上

be sentenced to imprisonment of not more than five years.

Whoever molests a child shall be sentenced to imprisonment of not more than five years; or under any of the following circumstances, shall be sentenced to imprisonment of not less than five years:

- (1) Molesting several children or molesting a child on several occasions.
- (2) Gang-molesting a child or molesting a child in public at a public place, with execrable circumstances.
- (3) Causing any injury to a child or having any other serious consequence.
- (4) Molesting by execrable means or there is any other execrable circumstance.

Article 238 . Whoever unlawfully detains another or deprives him of his freedom of the person by any other means is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights. In circumstances where beating or humiliation are involved, a heavier punishment is to be given.

Whoever commits one of the crimes in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment; when he causes a person's death, he is to be sentenced to not less than 10 years of fixed-term imprisonment; when he causes a person disability or death by violent means, he is to be punished in accordance with the stipulations in Article 234 and Article 232 of this law.

Whoever unlawfully detains or takes somebody into custody for the purpose of demanding the payment of a debt is to be given a punishment in accordance with the stipulations stated in the two preceding paragraphs.

Where an employee of a state organ abuses his authority to commit any of the three aforementioned crimes, he is to receive a heavier punishment in accordance with the stipulations stated in the three preceding paragraphs.

Article 239 . Whoever abducts any other person for extortion or abducts any other person as a hostage shall be sentenced to fixed-term imprisonment not less than ten years or life imprisonment, and be fined or be sentenced to confiscation of property; or if the circumstances are less serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined.

Whoever commits the crime as provided for in the preceding paragraph and kills the abducted person, or intentionally injures the abducted person, causing serious injury or death of the abducted person shall be sentenced to life imprisonment or the death penalty and forfeiture of property.

Whoever steals an infant for extortion shall be punished under the preceding two

有期徒刑。

【猥亵儿童罪】猥亵儿童的，处五年以下有期徒刑；有下列情形之一的，处五年以上有期徒刑：

- （一）猥亵儿童多人或者多次的；
- （二）聚众猥亵儿童的，或者在公共场所当众猥亵儿童，情节恶劣的；
- （三）造成儿童伤害或者其他严重后果的；
- （四）猥亵手段恶劣或者有其他恶劣情节的。

第二百三十八条 【非法拘禁罪】非法拘禁他人或者以其他方法非法剥夺他人人身自由的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。具有殴打、侮辱情节的，从重处罚。

犯前款罪，致人重伤的，处三年以上十年以下有期徒刑；致人死亡的，处十年以上有期徒刑。使用暴力致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。

为索取债务非法扣押、拘禁他人的，依照前两款的规定处罚。

国家机关工作人员利用职权犯前三款罪的，依照前三款的规定从重处罚。

第二百三十九条 【绑架罪】以勒索财物为目的绑架他人的，或者绑架他人作为人质的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节较轻的，处五年以上十年以下有期徒刑，并处罚金。

犯前款罪，杀害被绑架人的，或者故意伤害被绑架人，致人重伤、死亡的，处无期徒刑或者死刑，并处没收财产。

以勒索财物为目的偷盗婴幼儿的，依

paragraphs.

Article 240 . Those abducting and trafficking women or children are to be sentenced to 5 to 10 years in prison plus fine. Those falling into one or more of the following cases are to be sentenced to 10 years of more in prison or to be given life sentences, in addition to fines or confiscation of property. Those committing especially serious crimes are to be sentenced to death in addition to confiscation of property.

- (1) Primary elements of rings engaging in abducting and trafficking women or children;
- (2) those abducting and trafficking more than three women and/or children;
- (3) those raping abducted women;
- (4) those seducing, tricking, or forcing abducted women into prostitution, or those selling abducted women to others who in turn force them into prostitution;
- (5) those kidnapping women or children using force, coercion, or narcotics, for the purpose of selling them;
- (6) those stealing or robbing infants or babies for the purpose of selling them;
- (7) those causing abducted women or children, or their family members, to serious injuries or death, or causing other grave consequences;
- (8) those selling abducted women or children to outside the country.

Abducting and trafficking women or children refers to abducting, kidnapping, buying, selling, transporting, or transshipping women or children.

Article 241 . Those buying abducted women or children are to be sentenced to three years or fewer in prison, or put under limited incarceration or surveillance.

Those buying abducted women and forcing them to have sex with them are to be convicted and punished according to stipulations of article 236.

Those buying abducted women or children and illegally depriving them of or restricting their physical freedom, or injuring or insulting them, are to be convicted and punished according to relevant stipulations of this law.

照前两款的规定处罚。

第二百四十条 【拐卖妇女、儿童罪】

拐卖妇女、儿童的，处五年以上十年以下有期徒刑，并处罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节特别严重的，处死刑，并处没收财产：

- （一）拐卖妇女、儿童集团的首要分子；
- （二）拐卖妇女、儿童三人以上的；
- （三）奸淫被拐卖的妇女的；
- （四）诱骗、强迫被拐卖的妇女卖淫或者将被拐卖的妇女卖给他人迫使其卖淫的；
- （五）以出卖为目的，使用暴力、胁迫或者麻醉方法绑架妇女、儿童的；
- （六）以出卖为目的，偷盗婴幼儿的；
- （七）造成被拐卖的妇女、儿童或者其亲属重伤、死亡或者其他严重后果的；
- （八）将妇女、儿童卖往境外的。

拐卖妇女、儿童是指以出卖为目的，有拐骗、绑架、收买、贩卖、接送、中转妇女、儿童的行为之一的。

第二百四十一条 【收买被拐卖的妇女、儿童罪】收买被拐卖的妇女、儿童的，处三年以下有期徒刑、拘役或者管制。

【强奸罪】收买被拐卖的妇女，强行与其发生性关系的，依照本法第二百三十六条的规定定罪处罚。

【非法拘禁罪】【故意伤害罪】【侮辱罪】收买被拐卖的妇女、儿童，非法剥夺、限制其人身自由或者有伤害、侮辱等犯罪行为的，依照本法的有关规定定罪处罚。

Those buying abducted women or children and committing crimes stipulated in paragraphs two and three of this article are to be punished for committing more than one crime.

Those buying and selling abducted women or children are to be convicted and punished according to article 240 of this law.

Whoever buys an abducted woman or child without maltreating the abducted child or obstructing the rescue of the woman or child may be given a lighter penalty; and may be given a lighter or mitigated penalty if he or she does not obstruct the abducted woman's return to the place where she comes from in her own will.

Article 242 . Those using force or coercion to obstruct workers of state organs from rescuing bought women or children are to be convicted and punished according to article 277 of this law.

Primary elements who lead other people to obstruct workers of state organs from rescuing bought women or children are to be sentenced to five years or fewer in prison or put under limited incarceration. Other elements who use force or coercion are to be punished according to paragraph one of this article.

Article 243 . Those fabricating stories to frame others or in an attempt to subject others to criminal investigation, if the case is serious, are to be sentenced to three years or fewer in prison, or put under limited incarceration or surveillance. Those causing serious consequences are to be sentenced to three to 10 years in prison.

Workers of state organs committing crimes stipulated in the above paragraph are to be severely punished.

Stipulations in the above two paragraphs do not apply to those who do not deliberately frame others but accuse others by mistake, or who report others' crimes not conforming to the facts.

Article 244 . Whoever forces any other person to work by violence, threat or restriction of personal freedom shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine.

Whoever knowingly recruits or transports a workforce for any other person to commit

收买被拐卖的妇女、儿童，并有第二款、第三款规定的犯罪行为的，依照数罪并罚的规定处罚。

【拐卖妇女、儿童罪】收买被拐卖的妇女、儿童又出卖的，依照本法第二百四十条的规定定罪处罚。

收买被拐卖的妇女、儿童，对被买儿童没有虐待行为，不阻碍对其进行解救的，可以从轻处罚；按照被买妇女的意愿，不阻碍其返回原居住地的，可以从轻或者减轻处罚。

第二百四十二条 【妨害公务罪】以暴力、威胁方法阻碍国家机关工作人员解救被收买的妇女、儿童的，依照本法第二百七十七条的规定定罪处罚。

【聚众阻碍解救被收买的妇女、儿童罪】聚众阻碍国家机关工作人员解救被收买的妇女、儿童的首要分子，处五年以下有期徒刑或者拘役；其他参与者使用暴力、威胁方法的，依照前款的规定处罚。

第二百四十三条 【诬告陷害罪】捏造事实诬告陷害他人，意图使他人受刑事追究，情节严重的，处三年以下有期徒刑、拘役或者管制；造成严重后果的，处三年以上十年以下有期徒刑。

国家机关工作人员犯前款罪的，从重处罚。

不是有意诬陷，而是错告，或者检举失实的，不适用前两款的规定。

第二百四十四条 【强迫劳动罪】以暴力、威胁或者限制人身自由的方法强迫他人劳动的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

明知他人实施前款行为，为其招募、

the act as mentioned in the preceding paragraph or otherwise assists in forcing any other person to work shall be punished according to the provision of the preceding paragraph.

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of paragraph 1 of this Article.

Article 244 (I): Where an employer, in violation of the laws and regulations on labor administration, hires minors under the age of 16 to conduct extremely intensive physical labor, work at high altitudes or work under the well or work under an explosive, flammable, radioactive or poisonous environment, if the circumstance is serious, the persons who are held to be directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall also be fined; if the circumstance is especially serious, the persons who are held to be directly responsible shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall also be fined.

In case any employer that commits any act mentioned in the preceding Paragraph and causes an accident still commits any other crime, it shall be punished in accordance with the provisions on combined punishment for two and more crimes.

Article 245 . Those illegally physically searching others or illegally searching others' residences, or those illegally intruding into others' residences, are to be sentenced to three years or fewer in prison, or put under limited incarceration.

Judicial workers committing crimes stipulated in the above paragraph by abusing their authority are to be severely punished.

Article 246 . Those openly insulting others using force or other methods or those fabricating stories to slander others, if the case is serious, are to be sentenced to three years or fewer in prison, put under limited incarceration or surveillance, or deprived of their political rights.

Those committing crimes mentioned above are to be investigated only if they are sued, with the exception of cases that seriously undermine social order or the state's interests.

Where the victim files a complaint with the people's court on the commission of the conduct as provided for in paragraph 1 through the information network, but it is indeed difficult to provide evidence, the people's court may require the public security authority to provide assistance.

Article 247 . Judicial workers who extort a confession from criminal suspects or defendants by torture, or who use force to extract testimony from witnesses, are to be sentenced to three years or fewer in prison or put under limited incarceration. Those

运送人员或者有其他协助强迫他人劳动行为的，依照前款的规定处罚。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第二百四十四条 之一 【雇用童工从事危重劳动罪】违反劳动管理法规，雇用未满十六周岁的未成年人从事超强度体力劳动的，或者从事高空、井下作业的，或者在爆炸性、易燃性、放射性、毒害性等危险环境下从事劳动，情节严重的，对直接责任人员，处三年以下有期徒刑或者拘役，并处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

有前款行为，造成事故，又构成其他犯罪的，依照数罪并罚的规定处罚。

第二百四十五条 【非法搜查罪】

【非法侵入住宅罪】非法搜查他人身体、住宅，或者非法侵入他人住宅的，处三年以下有期徒刑或者拘役。

司法工作人员滥用职权，犯前款罪的，从重处罚。

第二百四十六条 【侮辱罪】【诽谤罪】以暴力或者其他方法公然侮辱他人或者捏造事实诽谤他人，情节严重的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

前款罪，告诉的才处理，但是严重危害社会秩序和国家利益的除外。

通过信息网络实施第一款规定的行为，被害人向人民法院告诉，但提供证据确有困难的，人民法院可以要求公安机关提供协助。

第二百四十七条 【刑讯逼供罪】

【暴力取证罪】司法工作人员对犯罪嫌疑人、被告人实行刑讯逼供或者使

causing injuries to others, physical disablement, or death, are to be convicted and severely punished according to articles 234 and 232 of this law.

Article 248 . Supervisory and management personnel of prisons, detention centers, and other guard houses who beat or physically abuse their inmates, if the case is serious, are to be sentenced to three years or fewer in prison or put under limited incarceration. If the case is especially serious, they are to be sentenced to three to 10 years in prison. Those causing injuries to injuries, physical disablement, or death, are to be convicted and severely punished according to article 234 and 232 of this law.

Supervisory and management personnel who order inmates to beat or physically abuse other inmates are to be punished according to stipulations in the above paragraph.

Article 249 . Those provoking ethnic hatred or discrimination, if the case is serious, are to be sentenced to three years or fewer in prison, put under limited incarceration or surveillance, or deprived of their political rights. If the case is especially serious, they are to be sentenced to three to 10 years in prison.

Article 250 . Persons directly responsible for publishing materials that discriminate or insult minority nationalities, if the case is serious and results in grave consequences, are to be sentenced to three years or fewer in prison, or put under limited incarceration or surveillance.

Article 251 . Workers of state organs who illegally deprive citizens' right to religious beliefs or who encroach on minority nationalities' customs or habits, if the case is serious, are to be sentenced to two years or fewer in prison or put under limited incarceration.

Article 252 . Those infringing upon the citizens right of communication freedom by hiding, destroying, or illegally opening others' letters, if the case is serious, are to be sentenced to one year or less in prison or put under limited incarceration.

Article 253 . Postal workers who open, hide, or destroy mail or telegrams without authorization are to be sentenced to two years or less in prison or put under limited incarceration.

用暴力逼取证人证言的，处三年以下有期徒刑或者拘役。致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪从重处罚。

第二百四十八条 【虐待被监管人罪】
监狱、拘留所、看守所等监管机构的监管人员对被监管人进行殴打或者体罚虐待，情节严重的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上十年以下有期徒刑。致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪从重处罚。

监管人员指使被监管人殴打或者体罚虐待其他被监管人的，依照前款的规定处罚。

第二百四十九条 【煽动民族仇恨、民族歧视罪】煽动民族仇恨、民族歧视，情节严重的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节特别严重的，处三年以上十年以下有期徒刑。

第二百五十条 【出版歧视、侮辱少数民族作品罪】在出版物中刊载歧视、侮辱少数民族的内容，情节恶劣，造成严重后果的，对直接责任人员，处三年以下有期徒刑、拘役或者管制。

第二百五十一条 【非法剥夺公民宗教信仰自由罪】【侵犯少数民族风俗习惯罪】国家机关工作人员非法剥夺公民的宗教信仰自由和侵犯少数民族风俗习惯，情节严重的，处二年以下有期徒刑或者拘役。

第二百五十二条 【侵犯通信自由罪】隐匿、毁弃或者非法开拆他人信件，侵犯公民通信自由权利，情节严重的，处一年以下有期徒刑或者拘役。

第二百五十三条 【私自开拆、隐匿、毁弃邮件、电报罪】邮政工作人员私自开拆或者隐匿、毁弃邮件、电报的，处二年以下有期徒刑或者拘役。

Those committing crimes stipulated in the above paragraph and stealing money or other articles are to be convicted and severely punished according to article 264 of this law.

Article 253 (I): Whoever sells or provides any citizen's personal information in violation of the relevant provisions of the state shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

Whoever sells or provides to any other person any citizen's personal information obtained in the course of performing functions or providing services in violation of any relevant provisions of the state shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

Whoever illegally obtains any citizen's personal information by stealing or other methods shall be punished in accordance with the provisions of paragraph 1.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of the applicable paragraph.

Article 254 . Workers of state organs who abuse their authority by retaliating against or framing accusers, petitioners, critics, or informants, in the name of conducting official business, are to be sentenced to two years or less in prison or put under limited incarceration. If the case is serious, they are to be sentenced to two to seven years in prison.

Article 255 . Leaders of companies, enterprises, institutions, offices, or other organizations who persecute and retaliate against accountants or statisticians who perform their duty according to law and boycott acts that violate the accounting law and statistics law , if the case is serious, are to be sentenced to three years or fewer in prison or put under limited incarceration.

Article 256 . In electing deputies to the people's congresses at all levels or leaders of state organs, those who undermine the elections or obstruct voters and deputies from freely exercising their right to vote or be elected by using force, coercion, deception, bribe; by falsifying election documents; by making a false report on the numbers of ballots; or by using other means, if the case is serious, are to be sentenced to three years or fewer in prison, put under limited incarceration, or deprived of their political rights.

犯前款罪而窃取财物的，依照本法第二百六十四条的规定定罪从重处罚。

第二百五十三条 之一 【侵犯公民个人信息罪】违反国家有关规定，向他人出售或者提供公民个人信息，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

违反国家有关规定，将在履行职责或者提供服务过程中获得的公民个人信息，出售或者提供给他人的，依照前款的规定从重处罚。

窃取或者以其他方法非法获取公民个人信息的，依照第一款的规定处罚。

单位犯前三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该款的规定处罚。

第二百五十四条 【报复陷害罪】国家机关工作人员滥用职权、假公济私，对控告人、申诉人、批评人、举报人实行报复陷害的，处二年以下有期徒刑或者拘役；情节严重的，处二年以上七年以下有期徒刑。

第二百五十五条 【打击报复会计、统计人员罪】公司、企业、事业单位、机关、团体的领导人，对依法履行职责、抵制违反会计法、统计法行为的会计、统计人员实行打击报复，情节恶劣的，处三年以下有期徒刑或者拘役。

第二百五十六条 【破坏选举罪】在选举各级人民代表大会代表和国家机关领导人员时，以暴力、威胁、欺骗、贿赂、伪造选举文件、虚报选举票数等手段破坏选举或者妨害选民和代表自由行使选举权和被选举权，情节严重的，处三年以下有期徒刑、拘役或者剥夺政治权利。

Article 257 . Those using force to interfere in others' freedom of marriage are to be sentenced to two years or fewer in prison or put under limited incarceration.

Those committing crimes stipulated in the above paragraph and causing others to die are to be sentenced to two to seven years in prison.

Those committing crimes stipulated in the first paragraph of this article are to be investigated only if they are sued.

Article 258 . Those who have a spouse and get married again, or who marry someone whom they know has a spouse, are to be sentenced to two years or fewer in prison or put under limited incarceration.

Article 259 . Those who live together with or marry someone whom they know is the spouse of an active duty service member are to be sentenced to three years or fewer in prison or put under limited incarceration.

Those who use their authority or subordinate relationship to seduce the wives of active duty servicemen for illicit sexual relations by resorting to coercion are to be convicted and punished according to article 236 of this law.

Article 260 . Those mistreating their family members, if the case is serious, are to be sentenced to two years or less in prison, or put under limited incarceration or surveillance.

Those committing crimes stipulated in the above paragraph and causing the victims to severe injuries or death are to be sentenced to two to seven years in prison.

The crime as provided for in paragraph 1 shall not be handled unless an accusation is filed, except when the victim is unable to file an accusation or fails to file an accusation due to coercion or intimidation.

Article 260 (I): Whoever who has the duty to ward or nurse a juvenile, an elder person, a sick person, or a disabled person maltreats the person under his or her guardianship or nursing with execrable circumstances shall be sentenced to imprisonment of not more than three years or limited incarceration.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Whoever commits any other crime while committing a crime as mentioned in paragraph 1 shall be convicted and punished according to the provisions on the crime

第二百五十七条

【暴力干涉婚姻自由罪】以暴力干涉他人婚姻自由的，处二年以下有期徒刑或者拘役。

犯前款罪，致使被害人死亡的，处二年以上七年以下有期徒刑。

第一款罪，告诉的才处理。

第二百五十八条 【重婚罪】有配偶而重婚的，或者明知他人有配偶而与之结婚的，处二年以下有期徒刑或者拘役。

第二百五十九条 【破坏军婚罪】明知是现役军人的配偶而与之同居或者结婚的，处三年以下有期徒刑或者拘役。

利用职权、从属关系，以胁迫手段奸淫现役军人的妻子的，依照本法第二百三十六条的规定定罪处罚。

第二百六十条 【虐待罪】虐待家庭成员，情节恶劣的，处二年以下有期徒刑、拘役或者管制。

犯前款罪，致使被害人重伤、死亡的，处二年以上七年以下有期徒刑。

第一款罪，告诉的才处理，但被害人没有能力告诉，或者因受到强制、威吓无法告诉的除外。

第二百六十条 之一 【虐待被监护、看护人罪】对未成年人、老年人、患病的人、残疾人等负有监护、看护职责的人虐待被监护、看护的人，情节恶劣的，处三年以下有期徒刑或者拘役。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

有第一款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

with the heavier penalty.

Article 261 . Those who have the obligation but refuse to support those who are aged, young, sick, or do not have the ability to live independently, if the case is serious, are to be sentenced to five years or fewer in prison or put under limited incarceration or surveillance.

Article 262 . Those abducting minors under 14 years of age from their family or guardians are to be sentenced to five years or less in prison or put under limited incarceration.

Article 262 (I):Where anyone organizes any disabled person or any minor below the age of 14 by force or coercion to beg, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall be fined. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years not more than seven years, and shall be fined.

Article 262 (II):Whoever organizes minors to commit theft, fraud, snatch, extortion or any other activity in violation of the public security administration shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Chapter V The Crime of Encroaching on Property

Article 263 . Those robbing public or private property using force, coercion, or other methods are to be sentenced to three to 10 years in prison in addition to fine. Those falling in one or more of the following cases are to be sentenced to 10 years or more in prison, given life sentences, or sentenced to death, in addition to fines or confiscation of property:

- (1) those intruding into others' houses to rob;
- (2) those committing robbery on public transportation vehicles;
- (3) those robbing banks or other financial institutions;
- (4) those committing several robberies or robbing large amounts of money or other properties;
- (5) those causing serious injuries to or death while robbing;
- (6) those committing robbery posing as servicemen or policemen;

第二百六十一条 【遗弃罪】对于年老、年幼、患病或者其他没有独立生活能力的人，负有扶养义务而拒绝扶养，情节恶劣的，处五年以下有期徒刑、拘役或者管制。

第二百六十二条 【拐骗儿童罪】拐骗不满十四周岁的未成年人，脱离家庭或者监护人的，处五年以下有期徒刑或者拘役。

第二百六十二条 之一 【组织残疾人、儿童乞讨罪】以暴力、胁迫手段组织残疾人或者不满十四周岁的未成年人乞讨的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

第二百六十二条 之二 【组织未成年人进行违反治安管理活动罪】组织未成年人进行盗窃、诈骗、抢夺、敲诈勒索等违反治安管理活动的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

第五章 侵犯财产罪

第二百六十三条 【抢劫罪】以暴力、胁迫或者其他方法抢劫公私财物的，处三年以上十年以下有期徒刑，并处罚金；有下列情形之一的，处十年以上有期徒刑、无期徒刑或者死刑，并处罚金或者没收财产：

- (一) 入户抢劫的；
- (二) 在公共交通工具上抢劫的；
- (三) 抢劫银行或者其他金融机构的；
- (四) 多次抢劫或者抢劫数额巨大的；
- (五) 抢劫致人重伤、死亡的；
- (六) 冒充军警人员抢劫的；

(7) those committing robbery using guns;

(8) those robbing materials for military use, or materials for fighting disasters or relieving disaster victims.

Article 264 . Whoever steals a relatively large amount of public or private property, commits thefts many times, commits a burglary or carries a lethal weapon to steal or pick pockets shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine or forfeiture of property.

Article 265 . Those stealing others' communication lines or reproducing others' telecommunication codes for the purpose of making profits, or those using telecommunication equipment or facilities knowing that they are stolen or reproduced are to be convicted and punished according to article 264 of this law.

Article 266 . Those defrauding relatively large amounts of public or private money and property are to be sentenced to three years or fewer in prison or put under limited incarceration or surveillance, in addition to fines; or are to be fined. Those defrauding large amounts of money and property or having involvement in other serious cases are to be sentenced to three to 10 years in prison, in addition to fines. Those defrauding extraordinarily large amounts of money and property or involving in especially serious cases are to be sentenced to 10 years or more in prison or given life sentences, in addition to fines or confiscation of property. If cases are governed by other stipulations of this law, those stipulations shall apply.

Article 267 . Whoever seizes public or private property, or commits robbery for two times or more shall, if the amount involved is relatively large, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property.

Whoever commits the crime with a lethal weapon is to be convicted and punished according to the regulations in Article 263 of this law.

Article 268 . In cases where a crowd is assembled to seize public or private property, and the amount involved is quite large and the other circumstances are serious, ringleaders and other active participants are to be sentenced to not more than three

(七) 持枪抢劫的;

(八) 抢劫军用物资或者抢险、救灾、救济物资的。

第二百六十四条 【盗窃罪】 盗窃公私财物，数额较大的，或者多次盗窃、入户盗窃、携带凶器盗窃、扒窃的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

第二百六十五条 【盗窃罪】 以牟利为目的，盗接他人通信线路、复制他人电信码号或者明知是盗接、复制的电信设备、设施而使用的，依照本法第二百六十四条的规定定罪处罚。

第二百六十六条 【诈骗罪】 诈骗公私财物，数额较大的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。本法另有规定的，依照规定。

第二百六十七条 【抢夺罪】 抢夺公私财物，数额较大的，或者多次抢夺的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

【抢劫罪】携带凶器抢夺的，依照本法第二百六十三条的规定定罪处罚。

第二百六十八条 【聚众哄抢罪】 聚众哄抢公私财物，数额较大或者有其他严重情节的，对首要分子和积极参

years of fixed-term imprisonment, limited incarceration or probation, in addition to a fine; and the sentence is to be not less than three years and not more than 10 years, in addition to a fine, when the amount involved is huge and the other circumstances are particularly serious.

Article 269 . Whoever commits the crimes of theft, fraud, or forcible seizure, and uses violence, or threats to use violence, at the scene in order to conceal booty, resist arrest or destroy criminal evidence, is to be convicted and punished in accordance with Article 263 of this Law.

Article 270 . Whoever illegally takes over any other person's property in the latter's custody, and the amount involved is relatively large, and refuses to return it, is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, or a fine; when the amount involved is huge and the other circumstances are serious, the sentence is to be not less than two years but not more than five years of fixed-term imprisonment, in addition to a fine.

Whoever illegally takes over someone's property which the latter forgets to pick up, or the property someone had buried, and the amount involved is relatively large, and refuses to return it, is to be punished according to the preceding paragraph.

The crimes in this article will not be prosecuted unless a complaint is filed.

Article 271 . Any employee of a company, an enterprise, or any other entity who, by taking advantage of his or her position, unlawfully takes possession of any money or property of the entity shall, if the amount involved is relatively large, be sentenced to imprisonment of not more than three years or limited incarceration and a fine; if the amount involved is huge, be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the amount involved is especially huge, be sentenced to imprisonment of not less than ten years or life imprisonment and a fine.

When personnel engage in public service in state-owned corporations, enterprises, or other state-owned units; or when personnel of these corporations, enterprises and units assigned to engage in public service in nonstate-owned corporations, enterprises, or other units themselves as stated in the preceding paragraph, they are to be convicted and punished according to regulations in Articles 382 and 383 of this law.

Article 272 . Any employee of a company, an enterprise, or any other entity who, by taking advantage of his or her position, misappropriates the funds of the entity for personal use or for lending to others shall, if the amount involved is relatively large and the funds are not returned after three months, if the funds are returned within three months but the amount involved is relatively large and the funds are used for any for-profit activity, or if the funds are used for any illegal activity, be sentenced to

加的,处三年以下有期徒刑、拘役或者管制,并处罚金;数额巨大或者有其他特别严重情节的,处三年以上十年以下有期徒刑,并处罚金。

第二百六十九条 【转化的抢劫罪】犯盗窃、诈骗、抢夺罪,为窝藏赃物、抗拒抓捕或者毁灭罪证而当场使用暴力或者以暴力相威胁的,依照本法第二百六十三条的规定定罪处罚。

第二百七十条 【侵占罪】将代为保管的他人财物非法占为己有,数额较大,拒不退还的,处二年以下有期徒刑、拘役或者罚金;数额巨大或者有其他严重情节的,处二年以上五年以下有期徒刑,并处罚金。

将他人的遗忘物或者埋藏物非法占为己有,数额较大,拒不交出的,依照前款的规定处罚。

本条罪,告诉的才处理。

第二百七十一条 【职务侵占罪】公司、企业或者其他单位的工作人员,利用职务上的便利,将本单位财物非法占为己有,数额较大的,处三年以下有期徒刑或者拘役,并处罚金;数额巨大的,处三年以上十年以下有期徒刑,并处罚金;数额特别巨大的,处十年以上有期徒刑或者无期徒刑,并处罚金。

【贪污罪】国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前款行为的,依照本法第三百八十二条、第三百八十三条的规定定罪处罚。

第二百七十二条 【挪用资金罪】公司、企业或者其他单位的工作人员,利用职务上的便利,挪用本单位资金归个人使用或者借贷给他人,数额较大、超过三个月未还的,或者虽未超过三个月,但数额较大、进行营利活

imprisonment of not more than three years or limited incarceration; if the amount of misappropriated funds of the entity is huge, be sentenced to imprisonment of not less than three years nor more than seven years; or if the amount involved is especially huge, be sentenced to imprisonment of not less than seven years.

Where a person who is engaged in public service in a state-owned company or enterprise or any other state-owned entity or a person who is assigned by a state-owned company or enterprise or any other state-owned entity to a company, an enterprise, or any other entity that is not owned by the state to engage in public service commits any conduct set forth in the preceding paragraph, the person shall be convicted and punished in accordance with the provisions of Article 384 of this Law.

A person who commits the conduct set forth in paragraph 1 of this article but returns the misappropriated funds before being prosecuted by the state may be given a lighter or mitigated punishment, or if the crime is relatively minor, may be given a mitigated or be exempt from punishment.

Article 273 . Those directly responsible for misappropriating state funds and materials allocated for disaster relief, emergencies, flood control, allowances for disabled servicemen and the families of revolutionary martyrs and servicemen, aid-the-poor programs, resettlement, and social relief, when the circumstances are serious and have caused major damage to the interests of the state and the people, are to be sentenced to not more than three years of fixed-termed imprisonment or limited incarceration; when the circumstances are particularly serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 274 . Whoever extorts a relatively large amount of public or private property or extorts public or private property many times shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 year and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years and a fine.

Article 275 . Whoever intentionally destroys public or private property and the amount involved is quite large and the other circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or a sentence of a fine; when the amount involved is huge and the other circumstances are particularly serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 276 . Whoever destroys machinery or equipment, cruelly injures or slaughters draft animals, or uses other means to sabotage production or operation, with the purpose of giving vent to spite, seeking revenge, or for other personal motives, is to be sentenced to not more than three years of fixed-term imprisonment, limited

动的, 或者进行非法活动的, 处三年以下有期徒刑或者拘役; 挪用本单位资金数额巨大的, 处三年以上七年以下有期徒刑; 数额特别巨大的, 处七年以上有期徒刑。

【挪用公款罪】国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前款行为的, 依照本法第三百八十四条的规定定罪处罚。

有第一款行为, 在提起公诉前将挪用的资金退还的, 可以从轻或者减轻处罚。其中, 犯罪较轻的, 可以减轻或者免除处罚。

第二百七十三条 【挪用特定款物罪】 挪用用于救灾、抢险、防汛、优抚、扶贫、移民、救济款物, 情节严重, 致使国家和人民群众利益遭受重大损害的, 对直接责任人员, 处三年以下有期徒刑或者拘役; 情节特别严重的, 处三年以上七年以下有期徒刑。

第二百七十四条 【敲诈勒索罪】 敲诈勒索公私财物, 数额较大或者多次敲诈勒索的, 处三年以下有期徒刑、拘役或者管制, 并处或者单处罚金; 数额巨大或者有其他严重情节的, 处三年以上十年以下有期徒刑, 并处罚金; 数额特别巨大或者有其他特别严重情节的, 处十年以上有期徒刑, 并处罚金。

第二百七十五条 【故意毁坏财物罪】 故意毁坏公私财物, 数额较大或者有其他严重情节的, 处三年以下有期徒刑、拘役或者罚金; 数额巨大或者有其他特别严重情节的, 处三年以上七年以下有期徒刑。

第二百七十六条 【破坏生产经营罪】 由于泄愤报复或者其他个人目的, 毁坏机器设备、残害耕畜或者以其他方法破坏生产经营的, 处三年以下有期

incarceration, or probation; when the circumstance is serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 276 (I): Whoever evades payment of a relatively large amount of labor remunerations by transferring property or escaping and hiding or refuses to pay a relatively large amount of labor remunerations though capable, and still refuses to pay even after being ordered by the relevant government department to pay, shall be sentenced to imprisonment of not more than 3 years or limited incarceration and/or a fine; and if there are serious consequences, shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Whoever commits an act as mentioned in the preceding two paragraphs without serious consequences but pays labor remunerations before a public prosecution is instituted and assumes the corresponding compensatory liability according to law may be given a mitigated penalty or exempted from penalty.

Chapter VI Crimes of Disrupting the Order of Social Administration

Section 1 . Crimes of Disrupting Public Order

Article 277 . Whoever uses violence or threat to obstruct state personnel from discharging their duties is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; or a sentence of a fine.

Whoever uses violence or threats to obstruct National People's Congress deputies, or local people's congress deputies, from discharging their lawful deputy duties is to be punished according to the preceding paragraph.

Whoever, in the event of a natural disaster or an emergency, uses violence or threats to obstruct Red Cross personnel from discharging their lawful responsibilities is to be punished according to the first paragraph.

Whoever intentionally obstructs the state's security or public security organs from carrying out their security assignments, and has caused serious consequences even though no violence or threat is used is to be punished according to the first paragraph.

Whoever assaults by violence a police officer who is performing his or her duties in accordance with the law shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation; or if the assault is committed by means such as using a gun or controlled knife or driving a motor vehicle to hit the police officer,

徒刑、拘役或者管制；情节严重的，处三年以上七年以下有期徒刑。

第二百七十六条 之一 【拒不支付劳动报酬罪】以转移财产、逃匿等方法逃避支付劳动者的劳动报酬或者有能力支付而不支付劳动者的劳动报酬，数额较大，经政府有关部门责令支付仍不支付的，处三年以下有期徒刑或者拘役，并处或者单处罚金；造成严重后果的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

有前两款行为，尚未造成严重后果，在提起公诉前支付劳动者的劳动报酬，并依法承担相应赔偿责任的，可以减轻或者免除处罚。

第六章 妨害社会管理秩序罪

第一节 扰乱公共秩序罪

第二百七十七条 【妨害公务罪】以暴力、威胁方法阻碍国家机关工作人员依法执行职务的，处三年以下有期徒刑、拘役、管制或者罚金。

以暴力、威胁方法阻碍全国人民代表大会和地方各级人民代表大会代表依法执行代表职务的，依照前款的规定处罚。

在自然灾害和突发事件中，以暴力、威胁方法阻碍红十字会工作人员依法履行职责的，依照第一款的规定处罚。

故意阻碍国家安全机关、公安机关依法执行国家安全工作任务，未使用暴力、威胁方法，造成严重后果的，依照第一款的规定处罚。

暴力袭击正在依法执行职务的人民警察的，处三年以下有期徒刑、拘役或者管制；使用枪支、管制刀具，或者以驾驶机动车撞击等手段，严重危及

seriously endangering the personal safety of the police officer, shall be sentenced to imprisonment of not less than three years nor more than seven years.

Article 278 . Whoever instigates the masses to use violence to resist the enforcement of state laws and administrative regulations is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; when serious consequences have been caused, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 279 . Whoever poses as state organ personnel to cheat and bluff is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than 10 years of fixed-term imprisonment.

Whoever poses as a people's police to cheat and bluff is to be heavily punished in accordance with the preceding paragraph.

Article 280 . Whoever forges, alters, trades in, steals, forcibly seizes or destroys any official document, certificate or seal of a state authority shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine.

Whoever forges a seal of any company, enterprise, public institution or people's organization shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine.

Whoever forges, alters or trades in any citizen's identification card, passport, social security card, driver's license or any other certificate that may be used to prove identity in accordance with the law shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Article 280 (I): Whoever uses any forged, altered or uses without authority any other person's identification card, passport, social security card, driver's license or any other certificate that may be used to prove identity in the activities that require the provision of identity certificate according to the provisions of the state shall, if the circumstances are serious, be sentenced to limited incarceration or surveillance in addition to a fine or

其人身安全的，处三年以上七年以下有期徒刑。

第二百七十八条 【煽动暴力抗拒法律实施罪】煽动群众暴力抗拒国家法律、行政法规实施的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；造成严重后果的，处三年以上七年以下有期徒刑。

第二百七十九条 【招摇撞骗罪】冒充国家机关工作人员招摇撞骗的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上十年以下有期徒刑。

冒充人民警察招摇撞骗的，依照前款的规定从重处罚。

第二百八十条 【伪造、变造、买卖国家机关公文、证件、印章罪】【盗窃、抢夺、毁灭国家机关公文、证件、印章罪】伪造、变造、买卖或者盗窃、抢夺、毁灭国家机关的公文、证件、印章的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

【伪造公司、企业、事业单位、人民团体印章罪】伪造公司、企业、事业单位、人民团体的印章的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金。

【伪造、变造、买卖身份证件罪】伪造、变造、买卖居民身份证、护照、社会保障卡、驾驶证等依法可以用于证明身份的证件的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

第二百八十条 之一 【使用虚假身份证件、盗用身份证件罪】在依照国家规定应当提供身份证明的活动中，使用伪造、变造的或者盗用他人的居民身份证、护照、社会保障卡、驾驶证

be sentenced to a fine only.

Whoever commits any other crime while committing a crime as mentioned in the preceding paragraph shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 280 (II): Whoever, by stealing and using or by falsely using the identity of any other person, obtains the qualification for admission to higher education or the qualification as a public servant or receives the employment placement benefit as an imposter shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine.

Whoever arranges for or instigates any other person to commit the conduct set forth in the preceding paragraph shall be given a heavier punishment in accordance with the provision of the preceding paragraph.

Any employee of the state who commits any conduct set forth in the preceding two paragraphs, which concurrently constitutes any other crime, shall be punished in accordance with the provisions on joinder of punishment for plural crimes.

Article 281 . Whoever illegally produces, purchases or sells standard police uniforms, license plates of motor vehicles, or other special signs, police tools, and the consequences are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; and may also be sentenced to a fine, additionally or exclusively.

When a unit commits the crimes stated in the preceding paragraph, the unit is to be fined, and its persons in charge and other who are directly responsible are to be punished according to the regulations in the preceding paragraph.

Article 282 . Whoever illegally acquires state secrets by stealing, secretly gathering, and purchasing is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Whoever possesses documents, information, or other articles which are top secret or classified information of the state, and refuses to state their origins or use, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation.

Article 283 . Whoever illegally produces or sells special espionage devices or eavesdropping or secret photographing devices shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or

等依法可以用于证明身份的证件，情节严重的，处拘役或者管制，并处或者单处罚金。

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第二百八十条 之二 盗用、冒用他人身份，顶替他人取得的高等学历教育入学资格、公务员录用资格、就业安置待遇的，处三年以下有期徒刑、拘役或者管制，并处罚金。

组织、指使他人实施前款行为的，依照前款的规定从重处罚。

国家工作人员有前两款行为，又构成其他犯罪的，依照数罪并罚的规定处罚。

第二百八十一条 【非法生产、买卖警用装备罪】非法生产、买卖人民警察制式服装、车辆号牌等专用标志、警械，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

单位犯前款罪的，对单位判处处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第二百八十二条 【非法获取国家秘密罪】以窃取、刺探、收买方法，非法获取国家秘密的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上七年以下有期徒刑。

【非法持有国家绝密、机密文件、资料、物品罪】非法持有属于国家绝密、机密的文件、资料或者其他物品，拒不说明来源与用途的，处三年以下有期徒刑、拘役或者管制。

第二百八十三条 【非法生产、销售专用间谍器材、窃听、窃照专用器材罪】非法生产、销售专用间谍器材或

be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Article 284 . Whoever illegally uses special monitoring or photographing equipment and causes grave consequences is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, or probation.

Article 284 (I): Whoever organizes cheating in a national examination prescribed by law shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Whoever provides any cheating device or any other assistance for anyone else to commit the crime as mentioned in the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

Whoever illegally sells or provides test questions or answers as prescribed in paragraph 1 for the purpose of cheating in the test shall be punished in accordance with the provisions of paragraph 1.

Whoever takes on behalf of anyone else or enables anyone else to take on behalf of him- or herself an examination prescribed in paragraph 1 shall be sentenced to limited incarceration or surveillance in addition to a fine or be sentenced to a fine only.

Article 285 . Whoever violates state regulations and intrudes into computer systems with information concerning state affairs, construction of defense facilities, and sophisticated science and technology is be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Whoever, in violation of the state provisions, intrudes into a computer information system other than that prescribed in the preceding paragraph or uses other technical means to obtain the data stored, processed or transmitted in the said computer information system or exercise illegal control over the said computer information system shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and/or be fined; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment

者窃听、窃照专用器材的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以上有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第二百八十四条 【非法使用窃听、窃照专用器材罪】非法使用窃听、窃照专用器材，造成严重后果的，处二

第二百八十四条 之一 【组织考试作弊罪】在法律规定的国家考试中，组织作弊的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处三年以上七年以上有期徒刑，并处罚金。

为他人实施前款犯罪提供作弊器材或者其他帮助的，依照前款的规定处罚。

【非法出售、提供试题、答案罪】为实施考试作弊行为，向他人非法出售或者提供第一款规定的考试的试题、答案的，依照第一款的规定处罚。

【代替考试罪】代替他人或者让他人代替自己参加第一款规定的考试的，处拘役或者管制，并处或者单处罚金。

第二百八十五条 【非法侵入计算机信息系统罪】违反国家规定，侵入国家事务、国防建设、尖端科学技术领域的计算机信息系统的，处三年以下有期徒刑或者拘役。

【非法获取计算机信息系统数据、非法控制计算机信息系统罪】违反国家规定，侵入前款规定以外的计算机信息系统或者采用其他技术手段，获取该计算机信息系统中存储、处理或者传输的数据，或者对该计算机信息系统实施非法控制，情节严重的，处三

not less than three years but not more than seven years, and be fined.

Whoever provides special programs or tools specially used for intruding into or illegally controlling computer information systems, or whoever knows that any other person is committing the criminal act of intruding into or illegally controlling a computer information system and still provides programs or tools for such a person shall, if the circumstances are serious, be punished under the preceding paragraph.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of the applicable paragraph.

Article 286 . Whoever violates states regulations and deletes, alters, adds, and interferes in computer information systems, causing abnormal operations of the systems and grave consequences, is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than five years of fixed-term imprisonment.

Whoever violates state regulations and deletes, alters, or adds the data or application programs installed in or processed and transmitted by the computer systems, and causes grave consequences, is to be punished according to the preceding paragraph.

Whoever deliberately creates and propagates computer virus and other programs which sabotage the normal operation of the computer system and cause grave consequences is to be punished according to the first paragraph.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of paragraph 1.

Article 286 (I): Any network service provider that fails to perform the information network security management obligation as prescribed in any law or administrative regulation and refuses to make corrections after being ordered by the regulatory authority to take correction measures shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only under any of the following circumstances.

(1) Causing the spread of a large amount of illegal information.

年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

【提供侵入、非法控制计算机信息系统程序、工具罪】提供专门用于侵入、非法控制计算机信息系统的程序、工具，或者明知他人实施侵入、非法控制计算机信息系统的违法犯罪行为而为其提供程序、工具，情节严重的，依照前款的规定处罚。

单位犯前三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该款的规定处罚。

第二百八十六条 【破坏计算机信息系统罪】违反国家规定，对计算机信息系统功能进行删除、修改、增加、干扰，造成计算机信息系统不能正常运行，后果严重的，处五年以下有期徒刑或者拘役；后果特别严重的，处五年以上有期徒刑。

违反国家规定，对计算机信息系统中存储、处理或者传输的数据和应用程序进行删除、修改、增加的操作，后果严重的，依照前款的规定处罚。

故意制作、传播计算机病毒等破坏性程序，影响计算机系统正常运行，后果严重的，依照第一款的规定处罚。

单位犯前三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第二百八十六条 之一 【拒不履行信息网络安全管理义务罪】网络服务提供者不履行法律、行政法规规定的信息网络安全管理义务，经监管部门责令采取改正措施而拒不改正，有下列情形之一的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金：

（一）致使违法信息大量传播的；

(2) Causing the leakage of users' information, with serious consequences.

(二) 致使用户信息泄露, 造成严重后果的;

(3) Causing the loss of criminal case evidence, with serious circumstances.

(三) 致使刑事案件证据灭失, 情节严重的;

(4) Any other serious circumstance.

(四) 有其他严重情节的。

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

单位犯前款罪的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 依照前款的规定处罚。

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

有前两款行为, 同时构成其他犯罪的, 依照处罚较重的规定定罪处罚。

Article 287 . Whoever uses a computer for financial fraud, theft, corruption, misappropriation of public funds, stealing state secrets, or other crimes is to be convicted and punished according to relevant regulations of this law.

第二百八十七条 【利用计算机实施犯罪的提示性规定】利用计算机实施金融诈骗、盗窃、贪污、挪用公款、窃取国家秘密或者其他犯罪的, 依照本法有关规定定罪处罚。

Article 287 (I): Whoever commits any of the following conducts by using the information network shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only.

第二百八十七条 之一 【非法利用信息网络罪】利用信息网络实施下列行为之一, 情节严重的, 处三年以下有期徒刑或者拘役, 并处或者单处罚金:

(1) Establishing a website or a communication group mainly for committing fraud, teaching on how to commit a crime, producing or selling any prohibited or controlled article, or committing any other illegal or criminal activity.

(一) 设立用于实施诈骗、传授犯罪方法、制作或者销售违禁物品、管制物品等违法犯罪活动的网站、通讯群组的;

(2) Issuing any information on the production or sale of drugs, guns, obscene articles, or any other prohibited or controlled article or any other illegal or criminal conduct.

(二) 发布有关制作或者销售毒品、枪支、淫秽物品等违禁物品、管制物品或者其他违法犯罪信息的;

(3) Issuing any information for committing fraud or any other illegal or criminal activity.

(三) 为实施诈骗等违法犯罪活动发布信息的。

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

单位犯前款罪的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 依照第一款的规定处罚。

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

有前两款行为, 同时构成其他犯罪的, 依照处罚较重的规定定罪处罚。

Article 287 (II): Whoever, while obviously aware that any other person is committing

第二百八十七条 之二 【帮助信息网络

a crime by using an information network, provides Internet access, server custody, network storage, communication transmission or any other technical support, or provides advertising, payment settlement or any other assistance for the crime shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 288 . Whoever, in violation of the provisions of the state, installs or uses any radio station (transmitter) without approval, or occupies frequencies without approval to disrupt the radio communication order shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

When a unit commits the crimes stated in the preceding paragraph, the unit is to be fined, and its persons in charge and others who are directly responsible are to be punished according to the preceding paragraph.

Article 289 . Whoever causes a person's injury, disability or death as result of assembling a crowd for "beating, smashing and looting" is to be convicted and punished according to regulations in Articles 234 and 232 of this law. In cases where public or private property is destroyed or forcibly taken and carried away, ringleaders, in addition to the ordering of restitution of compensation, are to be convicted and punished according to Article 263 of this law.

Article 290 . Where a crowd is assembled to disrupt the public order and serious circumstances are caused so that the process of work, production, business, teaching, scientific research or medical services is disrupted, and if any serious loss is caused, the ringleaders shall be sentenced to imprisonment of not less than three years but not more than seven years; and other active participants shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights.

络犯罪活动罪】明知他人利用信息网络实施犯罪，为其犯罪提供互联网接入、服务器托管、网络存储、通讯传输等技术支持，或者提供广告推广、支付结算等帮助，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

有前两款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第二百八十八条 【扰乱无线电通讯管理秩序罪】违反国家规定，擅自设置、使用无线电台（站），或者擅自使用无线电频率，干扰无线电通讯秩序，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第二百八十九条 【故意伤害罪】

【故意杀人罪】【抢劫罪】聚众“打砸抢”，致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。毁坏或者抢走公私财物的，除判令退赔外，对首要分子，依照本法第二百六十三条的规定定罪处罚。

第二百九十条 【聚众扰乱社会秩序罪】聚众扰乱社会秩序，情节严重，致使工作、生产、营业和教学、科研、医疗无法进行，造成严重损失的，对首要分子，处三年以上七年以下有期徒刑；对其他积极参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Assembling crowds to attack state organs, thus disrupting their operations and causing serious losses, the ringleaders are to be sentenced to not less than five years but not more than 10 years of fixed-term imprisonment; and other active participants are to be sentenced to not less than five year of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Two paragraphs are added as paragraphs 3 and 4: "Whoever disrupts the work order of any state authority for two times or more and refuses to make corrections after being given an administrative penalty shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance if there are serious consequences.

Whoever organizes or provides financial support to any other person to illegally assemble for two times or more to disrupt the public order and serious circumstances are caused shall be punished in accordance with the provisions of the preceding paragraph.

Article 291 . In cases where a crowd is assembled to disturb order at stations, wharves, civil aviation stations, market places, public parks, theaters, exhibitions, sports grounds or other public places, or a crowd is assembled to block traffic or undermine traffic order, or resist or obstruct state security administration personnel who are carrying out their functions according to law, when the circumstances are serious, ringleaders are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, or probation.

Article 291 (I): Whoever spreads mendacious pathogens of infectious diseases, explosives, poisonous or radioactive substances or other substances, or fabricates terrorist information on threats of explosion, biochemical threats or radioactive threats, or, while clearly knowing that the terrorist information is fabricated, intentionally disseminate such information, thus seriously disrupting public order, shall be sentenced to fixed-term imprisonment of no more than five years, limited incarceration or public surveillance; if he causes serious consequences, he shall be sentenced to fixed-term imprisonment of no less than five years.

Whoever makes up any false information on the situation of any risk, epidemic disease, disaster or emergency and spreads such information on the information network or any other media, or knowingly spreads the aforesaid false information on the information network or any other media, which seriously disrupts the public order, shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance; and if serious consequences have resulted, shall be sentenced to imprisonment of not less than three years but not more than seven years.

Article 291 (II): Whoever throws any object from height such as a building shall, if the

【聚众冲击国家机关罪】聚众冲击国家机关，致使国家机关工作无法进行，造成严重损失的，对首要分子，处五年以上十年以下有期徒刑；对其他积极参加的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

【扰乱国家机关工作秩序罪】多次扰乱国家机关工作秩序，经行政处罚后仍不改正，造成严重后果的，处三年以下有期徒刑、拘役或者管制。

【组织、资助非法聚集罪】多次组织、资助他人非法聚集，扰乱社会秩序，情节严重的，依照前款的规定处罚。

第二百九十一条 【聚众扰乱公共场所秩序、交通秩序罪】聚众扰乱车站、码头、民用航空站、商场、公园、影剧院、展览会、运动场或者其他公共场所秩序，聚众堵塞交通或者破坏交通秩序，抗拒、阻碍国家治安管理工作人员依法执行职务，情节严重的，对首要分子，处五年以下有期徒刑、拘役或者管制。

第二百九十一条 之一 【投放虚假危险物质罪】【编造、故意传播虚假恐怖信息罪】投放虚假的爆炸性、毒害性、放射性、传染病病原体等物质，或者编造爆炸威胁、生化威胁、放射威胁等恐怖信息，或者明知是编造的恐怖信息而故意传播，严重扰乱社会秩序的，处五年以下有期徒刑、拘役或者管制；造成严重后果的，处五年以上有期徒刑。

【编造、故意传播虚假信息罪】编造虚假的险情、疫情、灾情、警情，在信息网络或者其他媒体上传播，或者明知是上述虚假信息，故意在信息网络或者其他媒体上传播，严重扰乱社会秩序的，处三年以下有期徒刑、拘役或者管制；造成严重后果的，处三年以上七年以下有期徒刑。

第二百九十一条 之二 从建筑物或者

circumstances are serious, be sentenced to imprisonment of not more than one year, limited incarceration, or probation and a fine, or be sentenced to a fine only.

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

Article 292 . In cases where a crowd is assembled to have brawls, ringleaders and other active participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation. When the cases are one of the following, ringleaders and other active participants are to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment:

- (1) crowds are assembled on many occasions to have brawls;
- (2) the size of crowds assembled to have brawls is large, and bad social effects have been caused;
- (3) crowds are assembled for brawls in public places or main thoroughfares, and serious social disorders have been caused; or
- (4) crowds are assembled for brawls with tools.

Whoever assembles a crowd to have brawls, thus causing a person serious injuries or death, is to be convicted and punished according to Articles 234 and 232 of this Law.

Article 293 . Whoever disrupts the social order by committing any of the following provocative and disturbing acts shall be sentenced to imprisonment of not more than 5 years, limited incarceration or probation:

- (1) Assaulting any other person at will, with execrable circumstances;
- (2) Chasing, intercepting, reviling or intimidating any other person, with execrable circumstances;
- (3) Taking or demanding forcibly or vandalizing or occupying at will public or private property, with serious circumstances; or
- (4) Making trouble in a public place, which causes a serious disorder of the public place.

Whoever assembles other people to commit the acts as mentioned in the preceding paragraph many times, which seriously disrupt the social order, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and may be fined in addition.

Article 293 (I): Whoever, falling under any of the following circumstances, demands the repayment of any illegal debt incurred from usury, among others, shall, if the

其他高空抛掷物品，情节严重的，处一年以下有期徒刑、拘役或者管制，并处或者单处罚金。

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第二百九十二条 【聚众斗殴罪】聚众斗殴的，对首要分子和其他积极参加的，处三年以下有期徒刑、拘役或者管制；有下列情形之一的，对首要分子和其他积极参加的，处三年以上十年以下有期徒刑：

- （一）多次聚众斗殴的；
- （二）聚众斗殴人数多，规模大，社会影响恶劣的；
- （三）在公共场所或者交通要道聚众斗殴，造成社会秩序严重混乱的；
- （四）持械聚众斗殴的。

聚众斗殴，致人重伤、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。

第二百九十三条 【寻衅滋事罪】有下列寻衅滋事行为之一，破坏社会秩序的，处五年以下有期徒刑、拘役或者管制：

- （一）随意殴打他人，情节恶劣的；
- （二）追逐、拦截、辱骂、恐吓他人，情节恶劣的；
- （三）强拿硬要或者任意损毁、占用公私财物，情节严重的；
- （四）在公共场所起哄闹事，造成公共场所秩序严重混乱的。

纠集他人多次实施前款行为，严重破坏社会秩序的，处五年以上十年以下有期徒刑，可以并处罚金。

第二百九十三条 之一 有下列情形之一，催收高利放贷等产生的非法债务，

circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine, or be sentenced to a fine only:

(1) Using violence or coercion.

(2) Restricting any other person's personal freedom or intruding into any other person's residence.

(3) Intimidating, stalking, or harassing any other person.

Article 294 . Whoever organizes or leads an organization of a gangland nature shall be sentenced to imprisonment of not less than 7 years and a forfeiture of property; whoever actively participates in an organization of a gangland nature shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and may be sentenced to a fine or forfeiture of property in addition; whoever otherwise gets involved in an organization of a gangland nature shall be sentenced to imprisonment of not more than 3 years, limited incarceration, probation or deprivation of political rights and may be fined in addition.

A member of an overseas gangland organization who recruits members of the organization within the territory of the People's Republic of China shall be sentenced to imprisonment of not less than 3 years but not more than 10 years.

Any state functionary who harbors an organization of a gangland nature or connives at such an organization's illegal or criminal activities shall be sentenced to imprisonment of not more than 5 years; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years.

Whoever also commits any other crime while committing a crime as mentioned in the preceding three paragraphs shall be punished according to the provisions on the joinder of penalties for plural crimes.

An organization of a gangland nature shall have all of the following characteristics:

(1) A relatively stable criminal organization is formed with a relatively large number of members, and there are specific organizers or leaders and basically fixed core members.

(2) Economic interests are gained by organized illegal or criminal activities or other means, and it has certain financial strength to support its activities.

(3) By violence, threat or other means, it commits organized illegal or criminal activities many times to do evil, bully and cruelly injure or kill people.

(4) It dominates a certain area by committing illegal or criminal activities or taking

情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金：

（一）使用暴力、胁迫方法的；

（二）限制他人人身自由或者侵入他人住宅的；

（三）恐吓、跟踪、骚扰他人的。

第二百九十四条 【组织、领导、参加黑社会性质组织罪】组织、领导黑社会性质的组织的，处七年以上有期徒刑，并处没收财产；积极参加的，处三年以上七年以上有期徒刑，可以并处罚金或者没收财产；其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，可以并处罚金。

【入境发展黑社会组织罪】境外的黑社会组织的人员到中华人民共和国境内发展组织成员的，处三年以上十年以下有期徒刑。

【包庇、纵容黑社会性质组织罪】国家机关工作人员包庇黑社会性质的组织，或者纵容黑社会性质的组织进行违法犯罪活动的，处五年以下有期徒刑；情节严重的，处五年以上有期徒刑。

犯前三款罪又有其他犯罪行为，依照数罪并罚的规定处罚。

黑社会性质的组织应当同时具备以下特征：

（一）形成较稳定的犯罪组织，人数较多，有明确的组织者、领导者，骨干成员基本固定；

（二）有组织地通过违法犯罪活动或者其他手段获取经济利益，具有一定的经济实力，以支持该组织的活动；

（三）以暴力、威胁或者其他手段，有组织地多次进行违法犯罪活动，为非作恶，欺压、残害群众；

（四）通过实施违法犯罪活动，或者

advantage of the harboring or connivance by the state functionaries, forming an illegal control or significant influence in a certain area or sector, which seriously disrupts the economic and social order.

Article 295 . Whoever teaches methods for committing a crime shall be sentenced to imprisonment of not more than 5 years, limited incarceration or probation; if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 10 years or life imprisonment.

Article 296 . Whoever holds an assembly, parade, demonstration without application in accordance with the law or without authorization after application, or does not carry it out in accordance with the beginning time and ending time, place, and road as permitted by authorities concerned, and refuses to obey an order to dismiss, thereby seriously sabotaging social order, those personnel who are in charge and those who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation or deprived of political rights.

Article 297 . Whoever violates laws and regulations by bringing with them weapons, controlled knives and tools or explosive articles to participate in an assembly, parade, demonstration is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprived of political rights.

Article 298 . Whoever disturbs, collides, or sabotages with other methods the legally-held assembly, parade, demonstration, thereby giving rise to chaotic public order is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation or deprived of political rights.

Article 299 . Whoever desecrates the national flag or the national emblem of the People's Republic of China on a public occasion by intentionally burning, mutilating, scrawling on, defiling, or trampling on it or otherwise shall be sentenced to imprisonment of not more than three years, limited incarceration, supervision without incarceration, or deprivation of political rights.

Whoever intentionally tampers with the lyrics or music of the national anthem of the People's Republic of China, plays or sings the national anthem in a manner of distortion or denigration, or otherwise desecrates the national anthem on a public occasion shall be punished under the preceding paragraph if the circumstances are serious.

利用国家工作人员的包庇或者纵容，称霸一方，在一定区域或者行业内，形成非法控制或者重大影响，严重破坏经济、社会生活秩序。

第二百九十五条 【传授犯罪方法罪】
传授犯罪方法的，处五年以下有期徒刑、拘役或者管制；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。

第二百九十六条 【非法集会、游行、示威罪】举行集会、游行、示威，未依照法律规定申请或者申请未获许可，或者未按照主管机关许可的起止时间、地点、路线进行，又拒不服从解散命令，严重破坏社会秩序的，对集会、游行、示威的负责人和直接责任人员，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

第二百九十七条 【非法携带武器、管制刀具、爆炸物参加集会、游行、示威罪】违反法律规定，携带武器、管制刀具或者爆炸物参加集会、游行、示威的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

第二百九十八条 【破坏集会、游行、示威罪】扰乱、冲击或者以其他方法破坏依法举行的集会、游行、示威，造成公共秩序混乱的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

第二百九十九条 【侮辱国旗、国徽罪】在公共场合，故意以焚烧、毁损、涂划、玷污、践踏等方式侮辱中华人民共和国国旗、国徽的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

在公共场合，故意篡改中华人民共和国国歌歌词、曲谱，以歪曲、贬损方式奏唱国歌，或者以其他方式侮辱国歌，情节严重的，依照前款的规定处罚。

Article 299 (I): Whoever, by insult, defamation or other means, infringes upon the reputation or honor of a hero or a martyr, causing any damage to social and public interests, shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, probation, or deprivation of political rights.

Article 300 . Whoever organizes or utilizes any superstitious sect, secret society, or cult organization or uses superstition to sabotage the implementation of any law or administrative regulation of the state shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years or life imprisonment in addition to a fine or forfeiture of property; or if the circumstances are minor, be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine or be sentenced to a fine only.

Whoever organizes or utilizes any superstitious sect, secret society, or cult organization or uses superstition to cheat any other person, which leads to the person's serious injury or death shall be punished in accordance with the provisions of the preceding paragraph.

Whoever also commits the crime of raping a woman or swindling any person of his or her property while committing a crime as mentioned in paragraph 1 shall be punished according to the provisions on the joinder of penalties for plural crimes.

Article 301 . Whoever takes a lead in assembling a crowd to engage in promiscuous activities or repeatedly participates in such activities is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, or probation.

Whoever seduces minors to participate in mass promiscuous activities is to be severely punished in accordance with the previous paragraph.

Article 302 . Whoever steals, insults, or intentionally destroys a corpse, skeleton or cremains shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance.

Article 303 . Whoever, for profits, gathers people to gamble or gambles professionally shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine.

Whoever runs a gambling house shall be sentenced to imprisonment of not more than five years, limited incarceration, or probation and a fine; or if the circumstances are

第二百九十九条 之一 侮辱、诽谤或者以其他方式侵害英雄烈士的名誉、荣誉，损害社会公共利益，情节严重的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

第三百条 【组织、利用会道门、邪教组织、利用迷信破坏法律实施罪】组织、利用会道门、邪教组织或者利用迷信破坏国家法律、行政法规实施的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节较轻的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处或者单处罚金。

【组织、利用会道门、邪教组织、利用迷信致人重伤、死亡罪】组织、利用会道门、邪教组织或者利用迷信蒙骗他人，致人重伤、死亡的，依照前款的规定处罚。

犯第一款罪又有奸淫妇女、诈骗财物等犯罪行为的，依照数罪并罚的规定处罚。

第三百零一条 【聚众淫乱罪】聚众进行淫乱活动的，对首要分子或者多次参加的，处五年以下有期徒刑、拘役或者管制。

【引诱未成年人聚众淫乱罪】引诱未成年人参加聚众淫乱活动的，依照前款的规定从重处罚。

第三百零二条 【盗窃、侮辱、故意毁坏尸体、尸骨、骨灰罪】盗窃、侮辱、故意毁坏尸体、尸骨、骨灰的，处三年以下有期徒刑、拘役或者管制。

第三百零三条 【赌博罪】以营利为目的，聚众赌博或者以赌博为业的，处三年以下有期徒刑、拘役或者管制，并处罚金。

【开设赌场罪】开设赌场的，处五年以下有期徒刑、拘役或者管制，并处

serious, be sentenced to imprisonment of not less than five years nor more than ten years and a fine.

Whoever arranges for a citizen of the People's Republic of China to participate in gambling outside the country (or borders) shall, if the amount involved is huge or there is any other serious circumstance, be punished in accordance with the provision of the preceding paragraph.

Article 304 . Postal service personnel who are severely irresponsible, purposely delay sending mails thereby giving rise to great loss of public properties, interests of the state and people are to be sentenced to not more than two years of fixed-term imprisonment or limited incarceration.

Section 2 . Crimes of Disrupting Justice

Article 305 . During the course of criminal procedures, any witness, expert witness, recorder, translator who purposely makes false testimony, makes expert evaluation, records, translates with an intention to frame others or conceal criminal evidence in the circumstances which have an important bearing on a case is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

Article 306 . During the course of criminal procedure, any defender, law agent destroys, falsifies evidence, assist parties concerned in destroying, falsifying evidence, threatening, luring witnesses to contravene facts, change their testimony or make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

If witnesses, testimonies, or other evidences provided, shown, used by a defender, law agent are not true but are not falsified purposely, they do not fall into the category of falsifying evidences.

Article 307 . Whoever stops with violence, threat, bribe, and other methods a witness to testify or instigates others to make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years but not more than seven years of fixed-term imprisonment.

Whoever assists the parties concerned in destroying or falsifying evidences is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the circumstances are severe.

Any judicial personnel committing the crimes as stated in the previous two paragraphs is to be severely punished.

罚金；情节严重的，处五年以上十年以下有期徒刑，并处罚金。

组织中华人民共和国公民参与国（境）外赌博，数额巨大或者有其他严重情节的，依照前款的规定处罚。

第三百零四条 【故意延误投递邮件罪】邮政工作人员严重不负责任，故意延误投递邮件，致使公共财产、国家和人民利益遭受重大损失的，处二以下有期徒刑或者拘役。

第二节 妨害司法罪

第三百零五条 【伪证罪】在刑事诉讼中，证人、鉴定人、记录人、翻译人对与案件有重要关系的情节，故意作虚假证明、鉴定、记录、翻译，意图陷害他人或者隐匿罪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

第三百零六条 【辩护人、诉讼代理人毁灭证据、伪造证据、妨害作证罪】在刑事诉讼中，辩护人、诉讼代理人毁灭、伪造证据，帮助当事人毁灭、伪造证据，威胁、引诱证人违背事实改变证言或者作伪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

辩护人、诉讼代理人提供、出示、引用的证人证言或者其他证据失实，不是有意伪造的，不属于伪造证据。

第三百零七条 【妨害作证罪】以暴力、威胁、贿买等方法阻止证人作证或者指使他人作伪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

【帮助毁灭、伪造证据罪】帮助当事人毁灭、伪造证据，情节严重的，处三年以下有期徒刑或者拘役。

司法工作人员犯前两款罪的，从重处罚。

Article 307 (I): Whoever files a civil lawsuit based on any fabricated facts, which disrupts the judicial order or seriously infringes upon any other person's lawful rights and interests shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Whoever commits any other crime while committing a crime of illegally occupying any other person's property or evading his or her lawful debts as mentioned in paragraph 1 shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Any judicial staff member who commits a crime as mentioned in the preceding three paragraphs with any other person by taking advantage of his or her power shall be given a heavier penalty; and if he or she commits any other crime at the same time, shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 308 . Whoever resorts to persecution and retaliation against a witness is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

Article 308 (I): Any judicial staff member, defender, litigation representative, or any litigation participant who discloses any information that shall not be disclosed in a case not tried in public in accordance with the law, thus causing public information dissemination or any other serious consequence shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only.

Whoever commits any conduct as mentioned in the preceding paragraph to divulge any state secret shall be convicted and punished in accordance with the provisions of Article 398 of this Law.

Whoever publicly discloses or reports any case information prescribed in paragraph 1 shall be punished in accordance with the provisions of paragraph 1 if the circumstances are serious.

Where an entity commits any crime as provided for in the preceding paragraph, the

第三百零七条 之一

【虚假诉讼罪】以捏造的事实提起民事诉讼，妨害司法秩序或者严重侵害他人合法权益的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

有第一款行为，非法占有他人财产或者逃避合法债务，又构成其他犯罪的，依照处罚较重的规定定罪从重处罚。

司法工作人员利用职权，与他人共同实施前三款行为的，从重处罚；同时构成其他犯罪的，依照处罚较重的规定定罪从重处罚。

第三百零八条 【打击报复证人罪】

对证人进行打击报复的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

第三百零八条 之一 【泄露不应公开的案件信息罪】司法工作人员、辩护人、诉讼代理人或者其他诉讼参与人，泄露依法不公开审理的案件中不应当公开的信息，造成信息公开传播或者其他严重后果的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

【故意泄露国家秘密罪】【过失泄露国家秘密罪】有前款行为，泄露国家秘密的，依照本法第三百九十八条的规定定罪处罚。

【披露、报道不应公开的案件信息罪】公开披露、报道第一款规定的案件信息，情节严重的，依照第一款的规定处罚。

单位犯前款罪的，对单位判处罚金，

entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of paragraph 1.

Article 309 . Whoever falls under any of the following circumstances so that the order of the courtroom is disrupted shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or a fine.

(1) Assembling a crowd to clamor in a courtroom or attacking a courtroom.

(2) Assaulting any judicial staff member or litigation participant.

(3) Insulting, defaming or threatening any judicial staff member or litigation participant despite of court prohibition, which seriously disrupts the order of the courtroom.

(4) Destroying any of the facilities of the courtroom, grabbing or destroying any litigation documents, evidence or otherwise disrupts the order of the courtroom with serious circumstances.

Article 310 . Whoever provides a person who he clearly knows to be a convict with a hiding place, financial and material support, assists him to escape, hides, or protects him by falsifying evidence is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; when the circumstances are severe, to not less than three years but not more than ten years of fixed-term imprisonment.

Whoever commits a crime as stated in the previous paragraph and conspires in advance is to be punished as committing a joint crime.

Article 311 . Whoever, being obviously aware of any other person's commission of a crime of espionage, terrorism or extremism, refuses to provide relevant information or evidence when a judicial authority investigates or collects relevant evidence shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance if the circumstances are serious.

Article 312 . Where anyone who obviously knows that the income or the proceeds are generated therefrom is obtained from the commission of any crime harbors, transfer, purchases or sells them as an agent or disguises or conceals them by any other means, he shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration, or probation, and/or shall be fined. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be fined.

Where any entity commits the crime as described in the preceding paragraph, it shall

并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第三百零九条 【扰乱法庭秩序罪】
有下列扰乱法庭秩序情形之一的，处三年以下有期徒刑、拘役、管制或者罚金：

（一）聚众哄闹、冲击法庭的；

（二）殴打司法工作人员或者诉讼参与人的；

（三）侮辱、诽谤、威胁司法工作人员或者诉讼参与人，不听法庭制止，严重扰乱法庭秩序的；

（四）有毁坏法庭设施，抢夺、损毁诉讼文书、证据等扰乱法庭秩序行为，情节严重的。

第三百一十条 【窝藏、包庇罪】明知是犯罪的人而为其提供隐藏处所、财物，帮助其逃匿或者作假证明包庇的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上十年以下有期徒刑。

犯前款罪，事前通谋的，以共同犯罪论处。

第三百一十一条 【拒绝提供间谍犯罪、恐怖主义犯罪、极端主义犯罪证据罪】明知他人有间谍犯罪或者恐怖主义、极端主义犯罪行为，在司法机关向其调查有关情况、收集有关证据时，拒绝提供，情节严重的，处三年以下有期徒刑、拘役或者管制。

第三百一十二条 【掩饰、隐瞒犯罪所得、犯罪所得收益罪】明知是犯罪所得及其产生的收益而予以窝藏、转移、收购、代为销售或者以其他方法掩饰、隐瞒的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，

be fined, and the direct liable person in charge and other directly liable persons shall be punished under the preceding paragraph.

Article 313 . Whoever refuses to execute a judgment or ruling rendered by a people's court while he or she is able to do so shall be sentenced to imprisonment of not more than three years or limited incarceration or a fine if the circumstances are serious; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Article 314 . Whoever hides, transfers, sells off, purposely destroys property which is already sealed, seized, or frozen is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or be fined if the circumstances are severe.

Article 315 . Criminals who are already under legal custody and perform one of the following acts which sabotage supervision order are to be sentenced to not more than three years of fixed-term imprisonment if the circumstances are severe:

- (1) beat supervising personnel;
- (2) organize other people under supervision to sabotage supervision order;
- (3) assemble a crowd to make trouble, thereby disturbing normal supervision order;
- (4) beat, carry out corporal punishment on or instigate other people to beat, carry out corporal punishment on other people under supervision.

Article 316 . Criminals, defendants, criminal suspects who are already under custody in accordance with the law and who escape are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

Whoever seizes by force criminals, defendants, criminal suspects who are sent under escort is to be sentenced to not more than seven years of fixed-term imprisonment; when the circumstances are severe, to not less than seven years of fixed-term imprisonment.

Article 317 . Whoever takes a lead in organizing an attempt to escape from a prison or whoever takes an active part in the attempt is to be sentenced to not less than five years of fixed-term imprisonment; others who participate in the attempt to not more than five

并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百一十三条 【拒不执行判决、裁定罪】对人民法院的判决、裁定有能力执行而拒不执行，情节严重的，处三年以下有期徒刑、拘役或者罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百一十四条 【非法处置查封、扣押、冻结的财产罪】隐藏、转移、变卖、故意毁损已被司法机关查封、扣押、冻结的财产，情节严重的，处三年以下有期徒刑、拘役或者罚金。

第三百一十五条 【破坏监管秩序罪】依法被关押的罪犯，有下列破坏监管秩序行为之一，情节严重的，处三年以下有期徒刑：

- （一）殴打监管人员的；
- （二）组织其他被监管人破坏监管秩序的；
- （三）聚众闹事，扰乱正常监管秩序的；
- （四）殴打、体罚或者指使他人殴打、体罚其他被监管人的。

第三百一十六条 【脱逃罪】依法被关押的罪犯、被告人、犯罪嫌疑人脱逃的，处五年以下有期徒刑或者拘役。

【劫夺被押解人员罪】劫夺押解途中的罪犯、被告人、犯罪嫌疑人的，处三年以上七年以下有期徒刑；情节严重的，处七年以上有期徒刑。

第三百一十七条 【组织越狱罪】组织越狱的首要分子和积极参加的，处五年以上有期徒刑；其他参加的，处

years of fixed-term imprisonment or limited incarceration.

Whoever takes a lead in staging a riot to escape from a prison or in assembling a crowd to open a prison with tools or whoever takes an active part in the attempt is to be sentenced to not less than ten years of fixed-term imprisonment or life imprisonment; when the circumstances are particularly severe, to the death penalty; others who participate in the attempt to not less than three years and not more than ten years of fixed-term imprisonment.

Section 3 . Crimes of Disrupting Administration of the Border

Article 318 . Whoever organizes people to secretly cross the national boundary (border) shall be sentenced to not less than two years and not more than seven years of fixed- term imprisonment and a fine; or not less than seven years of fixed-term imprisonment or to life imprisonment, and may in addition be sentenced to a fine or confiscation of property for any of the following situations:

- (1) ringleader who organizes people to secretly cross the national boundary (border);
- (2) repeatedly organizing people to secretly cross the national boundary (border) or organizing a large number of people to secretly cross the national boundary (border);
- (3) causing serious injuries and deaths to the people being organized;
- (4) depriving or restricting personal freedom of the people being organized;
- (5) resisting investigation by violent or threatening methods;
- (6) obtaining huge amounts of illegal income;
- (7) other exceptionally serious circumstances.

Whoever commits the crimes mentioned in the preceding paragraph, killing, harming, raping, and kidnapping and selling the people being organized, or the crimes of killing and harming investigating personnel shall be punished in accordance with the stipulations concerning combined punishment for more than one crime.

Article 319 . Whoever defrauds people, in the name of labor export and economic and trade exchanges or for other reasons, of their exit documents such as passports and visas through fraud and deception for use in organizing people in the secret crossing of the national boundary (border) shall be sentenced to not more than three years of fixed-term imprisonment, and may in addition be sentenced to a fine; and when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Institutions which commit the crimes mentioned in the preceding paragraph shall be

五年以下有期徒刑或者拘役。

【暴动越狱罪】【聚众持械劫狱罪】暴动越狱或者聚众持械劫狱的首要分子和积极参加的，处十年以上有期徒刑或者无期徒刑；情节特别严重的，处死刑；其他参加的，处三年以上十年以下有期徒刑。

第三节 妨害国（边）境管理罪

第三百一十八条 【组织他人偷越国（边）境罪】组织他人偷越国（边）境的，处二年以上七年以下有期徒刑，并处罚金；有下列情形之一的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产：

- （一）组织他人偷越国（边）境集团的首要分子；
- （二）多次组织他人偷越国（边）境或者组织他人偷越国（边）境人数众多的；
- （三）造成被组织人重伤、死亡的；
- （四）剥夺或者限制被组织人人身自由的；
- （五）以暴力、威胁方法抗拒检查的；
- （六）违法所得数额巨大的；
- （七）有其他特别严重情节的。

犯前款罪，对被组织人有杀害、伤害、强奸、拐卖等犯罪行为，或者对检查人员有杀害、伤害等犯罪行为的，依照数罪并罚的规定处罚。

第三百一十九条 【骗取出境证件罪】以劳务输出、经贸往来或者其他名义，弄虚作假，骗取护照、签证等出境证件，为组织他人偷越国（边）境使用的，处三年以下有期徒刑，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，

sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

Article 320 . Whoever provides fake and altered exit and entry documents such as passports and visas, or sells exit and entry documents such as passports and visas, shall be sentenced to not more than five years of fixed-term imprisonment, and may in addition be sentenced to a fine; and when the circumstances are serious, not less than five years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Article 321 . Whoever transports people secretly across the national boundary (border) shall be sentenced to not more than five years of fixed-term imprisonment and limited incarceration or probation, and may in addition be sentenced to a fine; or not less than five years and not more than 10 years of fixed-term imprisonment and a fine for any of the following situations:

- (1) repeatedly involving in transporting activities or transporting a large number of people;
- (2) using transportation means such as ships and vehicles that do not meet essential safety conditions and that are sufficient to cause serious consequences;
- (3) obtaining huge amount of illegal income;
- (4) other exceptionally serious circumstances.

Whoever, in the course of transporting people secretly across the national boundary (border), causes heavy injuries and deaths to the people being transported or resists investigation by violent and threatening methods shall be sentenced to not less than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Whoever commits the crimes mentioned in the two preceding paragraphs by killing, harming, raping, and kidnapping and selling the people being transported; or the crimes of killing and harming investigating personnel shall be punished in accordance with the stipulations concerning combined punishment for more than one crime.

Article 322 . Whoever secretly crosses China's frontier (border) in violation of the provisions on frontier (border) administration shall be sentenced to imprisonment of not more than one year, limited incarceration or surveillance in addition to a fine if the circumstances are serious; and whoever secretly crosses China's frontier (border) for the purpose of joining a terrorist organization, receiving training on terrorist activities or conducting terrorist activities shall be sentenced to imprisonment of not less than one year but not more than three years in addition to a fine.

Article 323 . Whoever intentionally sabotages boundary tablets, boundary markers or

并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百二十条 【提供伪造、变造的出入境证件罪】 【出售出入境证件罪】 为他人提供伪造、变造的护照、签证等出入境证件，或者出售护照、签证等出入境证件的，处五年以下有期徒刑，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

第三百二十一条 【运送他人偷越国（边）境罪】 运送他人偷越国（边）境的，处五年以下有期徒刑、拘役或者管制，并处罚金；有下列情形之一的，处五年以上十年以下有期徒刑，并处罚金：

- （一）多次实施运送行为或者运送人数众多的；
- （二）所使用的船只、车辆等交通工具不具备必要的安全条件，足以造成严重后果的；
- （三）违法所得数额巨大的；
- （四）有其他特别严重情节的。

在运送他人偷越国（边）境中造成被运送人重伤、死亡，或者以暴力、威胁方法抗拒检查的，处七年以上有期徒刑，并处罚金。

犯前两款罪，对被运送人有杀害、伤害、强奸、拐卖等犯罪行为，或者对检查人员有杀害、伤害等犯罪行为的，依照数罪并罚的规定处罚。

第三百二十二条 【偷越国（边）境罪】 违反国（边）境管理法规，偷越国（边）境，情节严重的，处一年以下有期徒刑、拘役或者管制，并处罚金；为参加恐怖活动组织、接受恐怖活动培训或者实施恐怖活动，偷越国（边）境的，处一年以上三年以下有期徒刑，并处罚金。

第三百二十三条 【破坏界碑、界桩

survey indicators of a permanent nature along the borders of the country shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Section 4 . Crimes of Disrupting Administration of Cultural Relics

Article 324 . Whoever intentionally destroys precious cultural relics under state protection or designated cultural relics of state institutions for protecting major cultural relics and provincial-level cultural relics protection departments shall be sentenced to not more than three years in fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine; or when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Whoever intentionally destroys state-protected places of historical interest or scenic beauty, and when the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine.

Whoever, through negligence, destroys precious cultural relics under state protection or designated cultural relics of state institutions for protecting major cultural relics and provincial-level cultural relics protection departments shall be sentenced to not more than three years in fixed-term imprisonment or limited incarceration.

Article 325 . Whoever violates laws and regulations on cultural relics protection by secretly selling or giving to foreigners his or her collection of precious cultural relics, the export of which is banned by the state shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition be sentenced to a fine.

Institutions which commit the crime mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

Article 326 . Whoever, for the purpose of reaping profits, resells cultural relics, the transaction of which is banned by the state and when the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition be sentenced to a fine, or when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Institutions which commit the crime mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

罪】【破坏永久性测量标志罪】故意破坏国家边境的界碑、界桩或者永久性测量标志的，处三年以下有期徒刑或者拘役。

第四节 妨害文物管理罪

第三百二十四条 【故意损毁文物罪】

故意损毁国家保护的珍贵文物或者被确定为全国重点文物保护单位、省级文物保护单位的文物的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

【故意损毁名胜古迹罪】故意损毁国家保护的名胜古迹，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处罚金。

【过失损毁文物罪】过失损毁国家保护的珍贵文物或者被确定为全国重点文物保护单位、省级文物保护单位的文物，造成严重后果的，处三年以下有期徒刑或者拘役。

第三百二十五条 【非法向外国人出售、赠送珍贵文物罪】违反文物保护法规，将收藏的国家禁止出口的珍贵文物私自出售或者私自赠送给外国人的，处五年以下有期徒刑或者拘役，可以并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百二十六条 【倒卖文物罪】以牟利为目的，倒卖国家禁止经营的文物，情节严重的，处五年以下有期徒刑或者拘役，并处罚金；情节特别严重的，处五年以上十年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Article 327 . States-owned museums, libraries, and other units that violate the laws and regulations on protection of cultural relics, selling or giving without permission cultural relic objects under state protection to non-state- owned units or individuals are to be sentenced to a fine and persons in direct charge of the units and other persons directly involved in the case for responsibility are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Article 328 . Whoever robs any site of ancient culture or ancient tomb of a historical, artistic or scientific value shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; if the circumstances are minor, be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine or forfeiture of property:

- (1) Robbing any site of ancient culture or ancient tomb which has been determined as a key cultural relic under the protection of the state or a cultural relic under the protection of a province;
- (2) Being a ringleader of a group of robbers of sites of ancient culture and ancient tombs;
- (3) Having robbed sites of ancient culture and ancient tombs many times; or
- (4) Robbing a site of ancient culture or ancient tomb of valuable cultural relics or causing severe damage to valuable cultural relics.

Whoever robs ancient human fossils and ancient vertebrate fossils that have scientific value is to be punished according to the provisions of the preceding article.

Article 329 . Whoever seizes and steals state-owned records is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

Whoever violates the provisions of the Archives Law , selling and transferring state-owned records without authorization and when the circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Whoever commits the preceding two acts and at the same time, they form the other crimes specified in this law is to be convicted and punished according to the provisions

第三百二十七条

【非法出售、私赠文物藏品罪】违反文物保护法规，国有博物馆、图书馆等单位将国家保护的文物藏品出售或者私自送给非国有单位或者个人的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役。

第三百二十八条 【盗掘古文化遗址、古墓葬罪】盗掘具有历史、艺术、科学价值的古文化遗址、古墓葬的，处三年以上十年以下有期徒刑，并处罚金；情节较轻的，处三年以下有期徒刑、拘役或者管制，并处罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产：

- （一）盗掘确定为全国重点文物保护单位和省级文物保护单位的古文化遗址、古墓葬的；
- （二）盗掘古文化遗址、古墓葬集团的首要分子；
- （三）多次盗掘古文化遗址、古墓葬的；
- （四）盗掘古文化遗址、古墓葬，并盗窃珍贵文物或者造成珍贵文物严重破坏的。

【盗掘古人类化石、古脊椎动物化石罪】盗掘国家保护的具有科学价值的古人类化石和古脊椎动物化石的，依照前款的规定处罚。

第三百二十九条 【抢夺、窃取国有档案罪】抢夺、窃取国家所有的档案的，处五年以下有期徒刑或者拘役。

【擅自出卖、转让国有档案罪】违反档案法的规定，擅自出卖、转让国家所有的档案，情节严重的，处三年以下有期徒刑或者拘役。

有前两款行为，同时又构成本法规定的其他犯罪的，依照处罚较重的规定

that provide relatively severe punishment.

Section 5 . Crimes of Endangering Public Health

Article 330 . Whoever, in violation of the provisions of the [Law on the Prevention and Treatment of Infectious Diseases](#), falls under any of the following circumstances, causing the spread, or posing a grave danger of the spread, of a Category A infectious disease or an infectious disease against which the measures for the prevention and treatment of Category A infectious diseases shall be taken as determined in accordance with the law shall be sentenced to imprisonment of not more than three years or limited incarceration; or if the consequences are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years:

(1) The failure of the drinking water supplied by a water supplier to meet the hygienic standards of the state.

(2) Refusing to disinfect sewage, wastes, places, and articles contaminated by pathogens of an infectious disease according to the hygienic requirements of the disease prevention and control institution.

(3) Permitting or conniving at the engagement of any patient, pathogen carrier, or suspected patient of an infectious disease in any work that tends to cause the spread of the infectious disease as prohibited by the health administrative department of the State Council.

(4) Selling or transporting any articles that are or may be contaminated by the pathogens of an infectious disease in an epidemic area without disinfection of them.

(5) Refusing to execute the prevention and control measures required by the people's government at or above the county level or the disease prevention and control institution in accordance with the [Law on the Prevention and Treatment of Infectious Diseases](#).

Any unit that commits the preceding crimes is to be sentenced to a fine and the person in direct charge of the unit and other persons directly involved in the case for responsibility are to be punished according to the provisions of the preceding article.

The scope of A-category contagious diseases is determined in accordance with the "The Law of the People's Republic of China on Prevention and Cure of Contagious Diseases" and the relevant provisions of the State Council.

Article 331 . Personnel engaged in the testing, storage, carriage, and transporting of contagious diseases' bacterial spawns and viruses violate the relevant provisions of the public health administrative departments of the State Council, causing the spread of contagious diseases' bacterial spawns and viruses and resulting in serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-

定罪处罚。

第五节 危害公共卫生罪

第三百三十条 【妨害传染病防治罪】
违反[传染病防治法](#)的规定，有下列情形之一，引起甲类传染病以及依法确定采取甲类传染病预防、控制措施的传染病传播或者有传播严重危险的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑：

（一）供水单位供应的饮用水不符合国家规定的卫生标准的；

（二）拒绝按照疾病预防控制机构提出的卫生要求，对传染病病原体污染的污水、污物、场所和物品进行消毒处理的；

（三）准许或者纵容传染病病人、病原携带者和疑似传染病病人从事国务院卫生行政部门规定禁止从事的易使该传染病扩散的工作的；

（四）出售、运输疫区中被传染病病原体污染或者可能被传染病病原体污染的物品，未进行消毒处理的；

（五）拒绝执行县级以上人民政府、疾病预防控制机构依照[传染病防治法](#)提出的预防、控制措施的。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

甲类传染病的范围，依照《[中华人民共和国传染病防治法](#)》和国务院有关规定确定。

第三百三十一条 【传染病菌种、毒种扩散罪】从事实验、保藏、携带、运输传染病菌种、毒种的人员，违反国务院卫生行政部门的有关规定，造成传染病菌种、毒种扩散，后果严重的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以

term imprisonment.

Article 332 . Whoever violates national border health and quarantine regulations, causing the spread of quarantined contagious diseases or a serious danger of spreading them, is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine.

A unit which violates the crime of the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be penalized in accordance with the stipulations of the preceding paragraph.

Article 333 . Whoever sells blood illegally by involving others shall be sentenced to not more than five years of fixed-term imprisonment and a fine. Whoever, by violent and threatening methods, forces others to sell blood shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine.

Whoever causes harm to others through the act mentioned in the preceding paragraph shall be convicted and fined in accordance to stipulations of Article 234 of this law.

Article 334 . Whoever illegally collects and supplies or produces and supplies blood products that do not meet state- stipulated standards, and enough to endanger human health, shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration and a fine. Whoever causes serious harm to human health shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine; and for whoever causes exceptionally serious consequences, a sentence of not less than 10 years of fixed-term imprisonment or life imprisonment, and may in addition be sentenced to a fine or confiscation of property.

Departments that have approval from principal state departments to collect and supply blood or produce and supply blood products but do not conduct inspection and tests in accordance with stipulations or violate other operations specifications, causing harm to human health, the unit concerned shall be fined, and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

Article 334 (I): Whoever, in violation of the relevant provisions issued by the state, illegally collects the human genetic resources of China or illegally transports, mails, or carries the human genetic materials of China out of China, endangering public health

下有期徒刑。

第三百三十二条 【妨害国境卫生检疫罪】违反国境卫生检疫规定，引起检疫传染病传播或者有传播严重危险的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百三十三条 【非法组织卖血罪】
【强迫卖血罪】非法组织他人出卖血液的，处五年以下有期徒刑，并处罚金；以暴力、威胁方法强迫他人出卖血液的，处五年以上十年以下有期徒刑，并处罚金。

有前款行为，对他人造成伤害的，依照本法第二百三十四条的规定定罪处罚。

第三百三十四条 【非法采集、供应血液、制作、供应血液制品罪】非法采集、供应血液或者制作、供应血液制品，不符合国家规定的标准，足以危害人体健康的，处五年以下有期徒刑或者拘役，并处罚金；对人体健康造成严重危害的，处五年以上十年以下有期徒刑，并处罚金；造成特别严重后果的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

【采集、供应血液、制作、供应血液制品事故罪】经国家主管部门批准采集、供应血液或者制作、供应血液制品的部门，不依照规定进行检测或者违背其他操作规定，造成危害他人身体健康后果的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

第三百三十四条 之一 违反国家有关规定，非法采集我国人类遗传资源或者非法运送、邮寄、携带我国人类遗

or social and public interests, shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine.

Article 335 . Medical personnel who fail seriously to carry out their responsibility, causing the death of patients or serious harm to the health of patients shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Article 336 . Whoever illegally engages in medical practice without obtaining the qualification for medical practice, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation, and may in addition or exclusively be sentenced to a fine. Whoever causes serious harm to the health of patients shall be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment, and a fine. Whoever causes the death of patients shall be sentenced to not less than 10 years of fixed-term imprisonment and a fine.

Whoever conducts unauthorized birth control reversal surgery, fake birth control surgery, and pregnancy termination surgery, or takes out birth control devices from the womb, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation, and may in addition or exclusively be sentenced to a fine. Whoever causes serious harm to the health of patients shall be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine. Whoever causes the death of patients shall be sentenced to not less than 10 years of fixed-term imprisonment and a fine.

Article 336 (I): Whoever implants any genetically edited or cloned human embryo into the body of a human being or animal or implants any genetically edited or cloned animal embryo into the body of a human being shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine.

Article 337 . Whoever, in violation of the relevant state provisions on animal and plant epidemic prevention and quarantine, causes a serious animal or plant epidemic or the risk of a serious animal or plant epidemic shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and/or be fined.

Units that commit the crime of the preceding paragraph shall be sentenced to a fine,

传资源材料出境，危害公众健康或者社会公共利益，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

第三百三十五条 【医疗事故罪】医务人员由于严重不负责任，造成就诊人死亡或者严重损害就诊人身体健康的，处三年以下有期徒刑或者拘役。

第三百三十六条 【非法行医罪】未取得医生执业资格的人非法行医，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；严重损害就诊人身体健康的，处三年以上十年以下有期徒刑，并处罚金；造成就诊人死亡的，处十年以上有期徒刑，并处罚金。

【非法进行节育手术罪】未取得医生执业资格的人擅自为他人进行节育复通手术、假节育手术、终止妊娠手术或者摘取宫内节育器，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；严重损害就诊人身体健康的，处三年以上十年以下有期徒刑，并处罚金；造成就诊人死亡的，处十年以上有期徒刑，并处罚金。

第三百三十六条 之一 将基因编辑、克隆的人类胚胎植入人体或者动物体内，或者将基因编辑、克隆的动物胚胎植入人体内，情节严重的，处三年以下有期徒刑或者拘役，并处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

第三百三十七条 【妨害动植物防疫、检疫罪】违反有关动植物防疫、检疫的国家规定，引起重大动植物疫情的，或者有引起重大动植物疫情危险，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

单位犯前款罪的，对单位判处处罚金，

and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be penalized in accordance with the stipulations of the preceding paragraph.

Section 6 . Crimes of Undermining Protection of Environmental Resources

Article 338 . Whoever, in violation of the provisions issued by the state, discharges, dumps, or disposes of any radioactive waste, waste containing pathogens of an infectious disease, poisonous substance, or other hazardous substance, causing serious environmental pollution, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; if the circumstances are serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than seven years and a fine:

(1) Discharging, dumping, or disposing of any radioactive waste, waste containing pathogens of an infectious disease, or poisonous substance to a drinking water source protection area, the core protective area of a nature reserve, or any other key protective area determined in accordance with the law, with especially serious circumstances.

(2) Discharging, dumping, or disposing of any radioactive waste, waste containing pathogens of an infectious disease, or poisonous substance to any water area of important rivers and lakes determined by the state, with especially serious circumstances.

(3) Causing the loss of basic functions of, or any permanent damage to, large amounts of permanent basic farmland.

(4) Causing any serious injury or serious illness to many people or causing any serious disability or the death of a person.

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

Article 339 . Those who dump, store or process solid waste from abroad in the country in violation of state regulations are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and in addition be sentenced to a fine. Those whose acts cause serious environmental pollution and major damages to public or private properties or seriously endanger people's health are to be punished by sentence of not less than five years and not more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine. Those whose acts have especially serious consequences are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine.

Those who import solid waste as raw material without the approval of concerned administrative department of the State Council and cause serious environmental

并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第六节 破坏环境资源保护罪

第三百三十八条 【污染环境罪】违反国家规定，排放、倾倒或者处置有放射性的废物、含传染病病原体的废物、有毒物质或者其他有害物质，严重污染环境的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金；有下列情形之一的，处七年以上有期徒刑，并处罚金：

（一）在饮用水水源保护区、自然保护区核心保护区等依法确定的重点保护区域排放、倾倒、处置有放射性的废物、含传染病病原体的废物、有毒物质，情节特别严重的；

（二）向国家确定的重要江河、湖泊水域排放、倾倒、处置有放射性的废物、含传染病病原体的废物、有毒物质，情节特别严重的；

（三）致使大量永久基本农田基本功能丧失或者遭受永久性破坏的；

（四）致使多人重伤、严重疾病，或者致人严重残疾、死亡的。

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第三百三十九条 【非法处置进口的固体废物罪】违反国家规定，将境外的固体废物进境倾倒、堆放、处置的，处五年以下有期徒刑或者拘役，并处罚金；造成重大环境污染事故，致使公私财产遭受重大损失或者严重危害人体健康的，处五年以上十年以下有期徒刑，并处罚金；后果特别严重的，处十年以上有期徒刑，并处罚金。

【擅自进口固体废物罪】未经国务院有关主管部门许可，擅自进口固体废物

pollution, major damages to public or private properties and or seriously endanger people's health are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and in addition be sentenced to a fine.

Whoever, under the pretext of using as raw materials, imports solid, liquid or gaseous waste that cannot be used as raw materials shall be convicted and punished in accordance with the Paragraphs 2 and 3 of Article 152 of this Law.

Article 340 . Those who violate laws and regulations to protect aquatic products and catch aquatic products in forbidden areas or forbidden periods or use tools and methods in violation of regulations in a serious nature are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration or probation, and may in addition be sentenced to a fine.

Article 341 . Those who illegally hunt and kill rare and endangered wild animals which are under the state key protection plan or illegally purchase, transport or sell those rare and endangered wild animals and their manufactured products are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition be sentenced to a fine. In serious cases, those law offenders are to be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine. In especially serious cases, those law offenders are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine and confiscation of their properties.

Those who violate hunting law and regulations and use tools and methods which are forbidden to be used in no- hunting zones or periods and thus damage the source of wild animals and if the situation is serious are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration or probation, and in addition be sentenced to a fine.

Whoever, in violation of the legislation on the administration of wild animal protection, illegally hunts, purchases, transports, or sells terrestrial wild animals that grow and reproduce naturally in the wild other than those set forth in paragraph 1 for the purpose of eating shall, if the circumstances are serious, be punished in accordance with the provision of the preceding paragraph.

Article 342 . Whoever, in violation of the regulations on land administration, unlawfully occupies cultivated land, forestland or other land used for agriculture, and change the use of the occupied land, if the area involved is relatively large and a large area of such land is damaged, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration and shall also, or shall only be fined.

物用作原料,造成重大环境污染事故,致使公私财产遭受重大损失或者严重危害人体健康的,处五年以下有期徒刑或者拘役,并处罚金;后果特别严重的,处五年以上十年以下有期徒刑,并处罚金。

以原料利用为名,进口不能用作原料的固体废物、液态废物和气态废物的,依照本法第一百五十二条第二款、第三款的规定定罪处罚。

第三百四十条 【非法捕捞水产品罪】违反保护水产资源法规,在禁渔区、禁渔期或者使用禁用的工具、方法捕捞水产品,情节严重的,处三年以下有期徒刑、拘役、管制或者罚金。

第三百四十一条 【非法猎捕、杀害珍贵、濒危野生动物罪】【非法收购、运输、出售珍贵、濒危野生动物、珍贵、濒危野生动物制品罪】非法猎捕、杀害国家重点保护的珍贵、濒危野生动物的,或者非法收购、运输、出售国家重点保护的珍贵、濒危野生动物及其制品的,处五年以下有期徒刑或者拘役,并处罚金;情节严重的,处五年以上十年以下有期徒刑,并处罚金;情节特别严重的,处十年以上有期徒刑,并处罚金或者没收财产。

【非法狩猎罪】违反狩猎法规,在禁猎区、禁猎期或者使用禁用的工具、方法进行狩猎,破坏野生动物资源,情节严重的,处三年以下有期徒刑、拘役、管制或者罚金。

违反野生动物保护管理法规,以食用为目的非法猎捕、收购、运输、出售第一款规定以外的在野外环境自然生长繁殖的陆生野生动物,情节严重的,依照前款的规定处罚。

第三百四十二条 【非法占用农用地罪】违反土地管理法规,非法占用耕地、林地等农用地,改变被占用土地用途,数量较大,造成耕地、林地等农用地大量毁坏的,处五年以下有

Article 342 (I): Whoever, in violation of the legislation on the administration of nature reserves, conducts any activity of reclamation or development or constructs any building in a national park or national nature reserve shall, if the consequences are serious or there is any other execrable circumstance, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only.

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

Article 343 . Whoever, in violation of the [Mineral Resources Law](#) , engages in mining without a mining permit, enters a mining area under state planning, a mining area of great value to the national economy or a mining area of any other person to engage in mining without approval, or engages in mining of a special mineral which is subject to protective excavation according to the state provisions without approval shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine if the circumstances are serious; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

Those who violate the stipulations of [Mineral Resources Law](#) and use destructive mining methods to tap mineral resources and have caused serious damages to mineral resources are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and in addition be sentenced to a fine.

Article 344 . Whoever, in violation of the provisions of the state, illegally fells or destroys precious trees or other plants subject to key protection of the state, or illegally purchases, transports, processes or sells precious trees or other plants subject to key protection of the state or the products processed therefrom, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance, and shall also be fined; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 344 (I): Whoever, in violation of the provisions issued by the state, illegally introduces, releases, or discards any invasive alien species shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only.

徒刑或者拘役，并处或者单处罚金。

第三百四十二条 之一 违反自然保护地管理法规，在国家公园、国家级自然保护区进行开垦、开发活动或者修建建筑物，造成严重后果或者有其他恶劣情节的，处五年以下有期徒刑或者拘役，并处或者单处罚金。

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第三百四十三条 【非法采矿罪】违反[矿产资源法](#)的规定，未取得采矿许可证擅自采矿，擅自进入国家规划矿区、对国民经济具有重要价值的矿区和他人矿区范围采矿，或者擅自开采国家规定实行保护性开采的特定矿种，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

【破坏性采矿罪】违反[矿产资源法](#)的规定，采取破坏性的开采方法开采矿产资源，造成矿产资源严重破坏的，处五年以下有期徒刑或者拘役，并处罚金。

第三百四十四条 【非法采伐、毁坏国家重点保护植物罪】【非法收购、运输、加工、出售国家重点保护植物、国家重点保护植物制品罪】违反国家规定，非法采伐、毁坏珍贵树木或者国家重点保护的其他植物的，或者非法收购、运输、加工、出售珍贵树木或者国家重点保护的其他植物及其制品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

第三百四十四条 之一 违反国家规定，非法引进、释放或者丢弃外来入侵物种，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Article 345 . Whoever stealthily fells trees or other woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined.

Whoever, in violation of the provisions of the [Forestry Law](#) , arbitrarily fells trees or other woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever illegally purchases or transports trees or woods, which he knows are felled stealthily or arbitrarily, if the circumstance is serious, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever stealthily or arbitrarily fells trees or woods in any nature reserve at the national level shall be given a heavier punishment.

Article 346 . If a unit commits the crimes stipulated in Article 338 to 345, the unit will be sentenced to a fine, while the leading person with direct responsibility and other personnel directly responsible for such violations are to be punished in accordance with the stipulations of related articles.

Section 7 . Crimes of Smuggling, Trafficking, Transporting and Manufacturing Drugs

Article 347 . Those who commit the crimes of smuggling, trafficking, transporting and manufacturing drugs, regardless of the quantity of drugs, shall be investigated for their criminal responsibility and punished according to the [Criminal Law](#) .

Those who smuggle, traffic, transport or manufacture drugs with one of the following conditions are to be punished by 15 years of fixed-term imprisonment, life imprisonment or death sentence, and, in addition, confiscation of their properties:

(1) Smuggling, trafficking, transporting or manufacturing opium with a quantity of more than 1,000 grams [ke 0344], heroin or methylaniline [jia ji ben bing an 3946 1015 0058 0014 5143] with a quantity of more than 50 grams or other narcotics with a large quantify;

第三百四十五条

【盗伐林木罪】盗伐森林或者其他林木，数量较大的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数量巨大的，处三年以上七年以下有期徒刑，并处罚金；数量特别巨大的，处七年以上有期徒刑，并处罚金。

【滥伐林木罪】违反[森林法](#)的规定，滥伐森林或者其他林木，数量较大的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数量巨大的，处三年以上七年以下有期徒刑，并处罚金。

【非法收购、运输盗伐、滥伐的林木罪】非法收购、运输明知是盗伐、滥伐的林木，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

盗伐、滥伐国家级自然保护区内的森林或者其他林木的，从重处罚。

第三百四十六条 【单位犯破坏环境资源罪的处罚规定】单位犯本节第三百三十八条至第三百四十五条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本节各该条的规定处罚。

第七节 走私、贩卖、运输、制造毒品罪

第三百四十七条 【走私、贩卖、运输、制造毒品罪】走私、贩卖、运输、制造毒品，无论数量多少，都应当追究刑事责任，予以刑事处罚。

走私、贩卖、运输、制造毒品，有下列情形之一的，处十五年有期徒刑、无期徒刑或者死刑，并处没收财产：

（一）走私、贩卖、运输、制造鸦片一千克以上、海洛因或者甲基苯丙胺五十克以上或者其他毒品数量大的；

(2) The principal leaders of criminal groups engaged in smuggling, trafficking, transporting and manufacturing drugs;

(3) Those who use arms to cover up smuggling, trafficking, transporting and manufacturing drugs;

(4) Those who use violence to resist inspection, detention or arrest in serious situation; and

(5) Those who take part in organized international drug trafficking activities.

(二) 走私、贩卖、运输、制造毒品集团的首要分子;

(三) 武装掩护走私、贩卖、运输、制造毒品的;

(四) 以暴力抗拒检查、拘留、逮捕,情节严重的;

(五) 参与有组织的国际贩毒活动的。

Those who smuggle, traffic, transport or manufacture opium with a quantity less than 1,000 grams but more than 200 grams, those who smuggle, traffic, transport or manufacture heroin or methylaniline with a quantity less than 50 grams but more than 10 grams, and those who deal with other drugs in large quantity are to be sentenced to more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

走私、贩卖、运输、制造鸦片二百克以上不满一千克、海洛因或者甲基苯丙胺十克以上不满五十克或者其他毒品数量较大的,处七年以上有期徒刑,并处罚金。

Those who smuggle, traffic, transport or manufacture opium with a quantity less than 200 grams, those who smuggle, traffic, transport or manufacture heroin or methylaniline with a quantity less than 10 grams, or those who deal with a small quantity of other drugs are to be sentenced to less than three years of fixed-term imprisonment, limited incarceration or probation, and, in addition, be sentenced to a fine. In more serious cases, those law offenders are to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

走私、贩卖、运输、制造鸦片不满二百克、海洛因或者甲基苯丙胺不满十克或者其他少量毒品的,处三年以下有期徒刑、拘役或者管制,并处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金。

Units which commit the crimes as stated in (2), (3) and (4) above are to be penalized with a fine. Their leading personnel directly responsible for those acts and other directly responsible personnel are to be punished in accordance with the above sections of this article.

单位犯第二款、第三款、第四款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照各该款的规定处罚。

Those who utilize or urge youngsters to engage in smuggling, trafficking, transporting or manufacturing drugs or selling drugs to youngsters are to be punished in a heavier manner.

利用、教唆未成年人走私、贩卖、运输、制造毒品,或者向未成年人出售毒品的,从重处罚。

As to those who commit crimes repeatedly, the quantities of drugs involved in smuggling, trafficking, transporting and manufacturing will be combined in the judgment for sentencing.

对多次走私、贩卖、运输、制造毒品,未经处理的,毒品数量累计计算。

Article 348 . Those who illegally hold more than 1,000 grams of opium or more than 50 grams of heroin or methylaniline or large quantities of other drugs are to be sentenced to more than seven years of fixed-term imprisonment or life imprisonment and, in addition, be sentenced to a fine. Those who illegally hold more than 200 grams but less than 1,000 grams of opium or hold more than 10 grams of heroin but less than 50 grams of methylaniline or hold a large quantity of other drugs are to be sentenced to less than three years of fixed-term imprisonment or limited incarceration or probation and, in addition, be sentenced to paying a fine. In serious cases, the law offenders are

第三百四十八条 【非法持有毒品罪】

非法持有鸦片一千克以上、海洛因或者甲基苯丙胺五十克以上或者其他毒品数量大的,处七年以上有期徒刑或者无期徒刑,并处罚金;非法持有鸦片二百克以上不满一千克、海洛因或者甲基苯丙胺十克以上不满五十克或者其他毒品数量较大的,处三年以下

to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to paying a fine.

Article 349 . Those who provide cover for criminals who have engaged in smuggling, trafficking, transporting and manufacturing drugs and those who hide, move or conceal drugs and properties of criminals are to be sentenced to less than three years of fixed-term imprisonment, limited incarceration or probation. In serious cases, they are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Anti-drug smuggling personnel or other workers of state organs who shield or harbor criminal elements who smuggle, sell, transport, or make drugs, are to be severely punished according to stipulations of the above paragraph.

Those who conspire with others in advance to commit crimes stipulated in the above two paragraphs of this article are to be handled as accomplices of smuggling, trafficking, transporting, or making drugs.

Article 350 . Whoever, in violation of the provisions of the state, illegally produces, trades in, transports or carries into or out of China acetic anhydride, ethyl ether, chloroform, or other raw materials or auxiliary materials for manufacturing drugs shall be sentenced to imprisonment of not more than three years, limited incarceration or probation in addition to a fine if the circumstances are relatively serious; if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; or if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property.

Whoever, being obviously aware that someone else is manufacturing drugs, produces, trades in or transports the articles as provided for in the preceding paragraph for the said person shall be punished as an accomplice to the crime of drug manufacturing.

Units committing crimes stipulated in the above two paragraphs are to be fined, and their persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of the above two paragraphs.

Article 351 . Illegal growing of opium poppy, marijuana, or other kinds of plants from which drugs are extracted is to be forcibly eliminated. Those falling in one or more of the following cases are to be sentenced to five years or fewer in prison or put under limited incarceration or probation, in addition to fine:

有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

第三百四十九条 【包庇毒品犯罪分子罪】【窝藏、转移、隐瞒毒品、毒赃罪】包庇走私、贩卖、运输、制造毒品的犯罪分子的，为犯罪分子窝藏、转移、隐瞒毒品或者犯罪所得的财物的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上十年以下有期徒刑。

【包庇毒品犯罪分子罪】缉毒人员或者其他国家机关工作人员掩护、包庇走私、贩卖、运输、制造毒品的犯罪分子的，依照前款的规定从重处罚。

犯前两款罪，事先通谋的，以走私、贩卖、运输、制造毒品罪的共犯论处。

第三百五十条 【非法生产、买卖、运输制毒物品、走私制毒物品罪】违反国家规定，非法生产、买卖、运输醋酸酐、乙醚、三氯甲烷或者其他用于制造毒品的原料、配剂，或者携带上述物品进出境，情节较重的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，处七年以上有期徒刑，并处罚金或者没收财产。

明知他人制造毒品而为其生产、买卖、运输前款规定的物品的，以制造毒品罪的共犯论处。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

第三百五十一条 【非法种植毒品原植物罪】非法种植罂粟、大麻等毒品原植物的，一律强制铲除。有下列情形之一的，处五年以下有期徒刑、拘役或者管制，并处罚金：

(1) Those growing more than 500 but fewer than 3,000 opium poppy plants, or those growing relatively large numbers of other kinds of plants from which drugs are extracted;

(2) those who grow again after their cases have been settled by a public security organ;

(3) those refusing and resisting elimination of their crops.

Those illegally growing more than 3,000 opium poppy plants or large numbers of other kinds of plants from which drugs are extracted are to be sentenced to five years or more in prison, in addition to paying a fine or having their property confiscated.

Those illegally growing opium poppy plants or other kinds of plants from which drugs are extracted but voluntarily wiping them out before reaping them may be exempted from punishment.

Article 352 . Those illegally selling, buying, transporting, hand carrying, or those who are illegally in possession of non-sterilized seeds or saplings of opium poppy or other kinds of plants from which drugs are extracted, if the amounts are relatively large, are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine; or are to be fined.

Article 353 . Those who lure, instigate, or trick others into taking or injecting drugs are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine.

Those forcing others to take or inject drugs are to be sentenced to three to 10 years in prison in addition to paying a fine.

Those luring, instigating, tricking, or forcing minors into taking or injecting drugs are to be severely punished.

Article 354 . Those harboring others who take or inject drugs are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine.

Article 355 . Personnel who produce, transport, manage, or use according to law narcotics or drugs for mental sickness under the state's control and who, in violation to the state's regulations, provide those who take or inject drugs with addictive narcotics or drugs for mental sickness that are under the state's control are to be sentenced to three years or fewer in prison or put under limited incarceration, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine. Those providing addictive narcotics or drugs for mental sickness that are under the state's control to criminal elements engaging in smuggling or trafficking

(一) 种植罂粟五百株以上不满三千株或者其他毒品原植物数量较大的;

(二) 经公安机关处理后又种植的;

(三) 抗拒铲除的。

非法种植罂粟三千株以上或者其他毒品原植物数量大的, 处五年以上有期徒刑, 并处罚金或者没收财产。

非法种植罂粟或者其他毒品原植物, 在收获前自动铲除的, 可以免除处罚。

第三百五十二条 【非法买卖、运输、携带、持有毒品原植物种子、幼苗罪】 非法买卖、运输、携带、持有未经灭活的罂粟等毒品原植物种子或者幼苗, 数量较大的, 处三年以下有期徒刑、拘役或者管制, 并处或者单处罚金。

第三百五十三条 【引诱、教唆、欺骗他人吸毒罪】 引诱、教唆、欺骗他人吸食、注射毒品的, 处三年以下有期徒刑、拘役或者管制, 并处罚金; 情节严重的, 处三年以上七年以下有期徒刑, 并处罚金。

【强迫他人吸毒罪】 强迫他人吸食、注射毒品的, 处三年以上十年以下有期徒刑, 并处罚金。

引诱、教唆、欺骗或者强迫未成年人吸食、注射毒品的, 从重处罚。

第三百五十四条 【容留他人吸毒罪】 容留他人吸食、注射毒品的, 处三年以下有期徒刑、拘役或者管制, 并处罚金。

第三百五十五条 【非法提供麻醉药品、精神药品罪】 依法从事生产、运输、管理、使用国家管制的麻醉药品、精神药品的人员, 违反国家规定, 向吸食、注射毒品的人提供国家规定管制的能够使人形成瘾癖的麻醉药品、精神药品的, 处三年以下有期徒刑或者拘役, 并处罚金; 情节严重的, 处

drugs or, with the purpose of making profits, to those taking or injecting drugs, are to be convicted and punished according to article 347 of this law.

Units committing crime stipulated in the above paragraph are to be fined, and their persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of the above paragraph.

Article 355 (I): Whoever induces or instigates an athlete to commit, or deceives an athlete into committing, any anti-doping rule violation in a major national or international sports competition or knowing an athlete's participation in such a competition, provides the athlete with any prohibited substance shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine.

Whoever arranges for or forces an athlete's commission of any anti-doping rule violation in a major national or international sports competition shall be given a heavier punishment in accordance with the provision of the preceding paragraph.

Article 356 . Those who have been convicted of smuggling, trafficking, transporting, or making drugs, or who are illegally in possession of drugs, and who again commit the crime stipulated in this section, are to be severely punished.

Article 357 . Drugs as mentioned in this law refer to opium, heroin, ice, morphine, marijuana, cocaine, and other addictive narcotics and drugs for mental sickness that are under the state's control.

The amounts of drugs are to be calculated according to the verified amounts of drugs smuggled, sold, transported, or made, or the amounts illegally in possession, and are not to be calculated in terms of the pureness of the drugs.

Section 8 . The Crime of Organizing, Forcing, Seducing, Harboring, or Introducing Prostitution

Article 358 . Whoever organizes or forces anyone else into prostitution shall be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine; or be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property if the circumstances are serious.

三年以上七年以下有期徒刑，并处罚金。向走私、贩卖毒品的犯罪分子或者以牟利为目的，向吸食、注射毒品的人提供国家规定管制的能够使人形成瘾癖的麻醉药品、精神药品的，依照本法第三百四十七条的规定定罪处罚。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百五十五条 之一 引诱、教唆、欺骗运动员使用兴奋剂参加国内、国际重大体育竞赛，或者明知运动员参加上述竞赛而向其提供兴奋剂，情节严重的，处三年以下有期徒刑或者拘役，并处罚金。

组织、强迫运动员使用兴奋剂参加国内、国际重大体育竞赛的，依照前款的规定从重处罚。

第三百五十六条 【毒品犯罪的再犯】因走私、贩卖、运输、制造、非法持有毒品罪被判过刑，又犯本节规定之罪的，从重处罚。

第三百五十七条 【毒品的范围及毒品数量的计算】本法所称的毒品，是指鸦片、海洛因、甲基苯丙胺（冰毒）、吗啡、大麻、可卡因以及国家规定管制的其他能够使人形成瘾癖的麻醉药品和精神药品。

毒品的数量以查证属实的走私、贩卖、运输、制造、非法持有毒品的数量计算，不以纯度折算。

第八节 组织、强迫、引诱、容留、介绍卖淫罪

第三百五十八条 【组织卖淫罪】

【强迫卖淫罪】组织、强迫他人卖淫的，处五年以上十年以下有期徒刑，并处罚金；情节严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

Whoever organizes or forces any juvenile into prostitution shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

Whoever commits the crime in the preceding two paragraphs and also commits murder, injuring, rape, kidnapping or any other crime shall be punished according to the provisions on the joinder of penalties for plural crimes.

Whoever recruits or transports persons for an organizer of prostitution or otherwise assists in organizing prostitution shall be sentenced to imprisonment of not more than five years in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine.

Article 359 . Those harboring prostitution or seducing or introducing others into prostitution are to be sentenced to five years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine. If the case is serious, they are to be sentenced to five years or more in prison in addition to a fine.

Those seducing young girls under 14 years of age into prostitution are to be sentenced to five years or more in prison in addition to a fine.

Article 360 . Those engaging in prostitution or visiting a whorehouse knowing that they are suffering from syphilis, clap, or other serious venereal diseases are to be sentenced to five years or fewer in prison or put under limited incarceration or probation, in addition to having to pay a fine.

Article 361 . Personnel of hotels, restaurants, entertainment industry, taxi companies, and other units who take advantage of their units' position to organize, force, seduce, harbor, or introduce others to prostitution are to be convicted and punished according to articles 358 and 359 of this law.

Main persons in charge of the aforementioned units who commit crimes stipulated in the above paragraph are to be severely punished.

Article 362 . Personnel of hotels, restaurants, entertainment industry, taxi companies, or other units who inform law offenders and criminals while public security personnel are checking prostitution and whorehouse visiting activities, if the case is serious, are to be convicted and punished according to article 310 of this law.

Section 9 . The Crime of Producing, Selling, or Disseminating Obscene Materials

Article 363 . Those producing, reproducing, publishing, selling, or disseminating

组织、强迫未成年人卖淫的，依照前款的规定从重处罚。

犯前两款罪，并有杀害、伤害、强奸、绑架等犯罪行为的，依照数罪并罚的规定处罚。

【协助组织卖淫罪】为组织卖淫的人招募、运送人员或者有其他协助组织他人卖淫行为的，处五年以下有期徒刑，并处罚金；情节严重的，处五年以上十年以下有期徒刑，并处罚金。

第三百五十九条 【引诱、容留、介绍卖淫罪】引诱、容留、介绍他人卖淫的，处五年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

【引诱幼女卖淫罪】引诱不满十四周岁的幼女卖淫的，处五年以上有期徒刑，并处罚金。

第三百六十条 【传播性病罪】明知自己患有梅毒、淋病等严重性病卖淫、嫖娼的，处五年以下有期徒刑、拘役或者管制，并处罚金。

第三百六十一条 【特定单位的人员组织、强迫、引诱、容留、介绍卖淫的处理规定】旅馆业、饮食服务业、文化娱乐业、出租汽车业等单位的人员，利用本单位的条件，组织、强迫、引诱、容留、介绍他人卖淫的，依照本法第三百五十八条、第三百五十九条的规定定罪处罚。

前款所列单位的主要负责人，犯前款罪的，从重处罚。

第三百六十二条 【窝藏、包庇罪】旅馆业、饮食服务业、文化娱乐业、出租汽车业等单位的人员，在公安机关查处卖淫、嫖娼活动时，为违法犯罪分子通风报信，情节严重的，依照本法第三百一十条的规定定罪处罚。

第九节 制作、贩卖、传播淫秽物品罪

第三百六十三条 【制作、复制、出

obscene materials with the purpose of making profits are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine. If the case is especially serious, they are to be sentenced to 10 years or more in prison or given life sentence, in addition to a fine or confiscation of property.

Those providing others with international standard book numbers [ISBN] for publishing obscene books or magazines are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to having to pay a fine; or are to be fined. Those providing others with ISBNs knowing that they are going to use them for publishing obscene books or magazines are to be punished according to the above stipulations.

Article 364 . Those disseminating obscene books, magazines, films, audio and video recordings, pictures, or other kinds of obscene materials, if the case is serious, are to be sentenced to two years or fewer in prison or put under limited incarceration or probation.

Those organizing the broadcasting or showing of obscene motion pictures, video films, or other kinds of audio and video recordings are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to having to pay a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to paying a fine.

Those producing or reproducing and organizing the broadcasting or showing of obscene motion pictures, video tapes, or other kinds of audio and video recordings are to be severely punished according to stipulations in paragraph two of this article.

Those broadcasting or showing obscene materials to minors under 18 years of age are to be severely punished.

Article 365 . Those organizing an obscene performance are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine.

Article 366 . Units committing crimes stipulated in articles 363, 354, or 365 of this section are to be fined, and their main persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of respective articles.

Article 367 . Obscene materials mentioned in this law refer to erotic books,

版、贩卖、传播淫秽物品牟利罪】以牟利为目的，制作、复制、出版、贩卖、传播淫秽物品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金；情节特别严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

【为他人提供书号出版淫秽书刊罪】为他人提供书号，出版淫秽书刊的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；明知他人用于出版淫秽书刊而提供书号的，依照前款的规定处罚。

第三百六十四条 【传播淫秽物品罪】传播淫秽的书刊、影片、音像、图片或者其他淫秽物品，情节严重的，处二年以下有期徒刑、拘役或者管制。

【组织播放淫秽音像制品罪】组织播放淫秽的电影、录像等音像制品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

制作、复制淫秽的电影、录像等音像制品组织播放的，依照第二款的规定从重处罚。

向不满十八周岁的未成年人传播淫秽物品的，从重处罚。

第三百六十五条 【组织淫秽表演罪】组织进行淫秽表演的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

第三百六十六条 【单位犯本节规定之罪的处罚】单位犯本节第三百六十三条、第三百六十四条、第三百六十五条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该条的规定处罚。

第三百六十七条 【淫秽物品的范围】

magazines, motion pictures, video tapes, audio tapes, pictures, and other obscene materials that graphically describe sexual intercourse or explicitly publicize pornography.

Scientific products about physiological or medical knowledge are not obscene materials.

Literary and artistic works of artistic value that contain erotic contents are not regarded as obscene materials.

Chapter VII Crimes of Endangering the Interests of National Defense

Article 368 . Those who use methods of violence or threat to obstruct military personnel from carrying out their duties in accordance with the law are to be sentenced to not more than three years of fixed-term imprisonment, or limited incarceration or probation and may, in addition, be sentenced to a fine.

Those who intentionally obstruct military actions of the armed forces and cause serious consequences are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

Article 369 . Whoever sabotages weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration or probation; whoever sabotages major weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of 3 up to 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or the death penalty.

Any one who commits a crime as described in the preceding two paragraphs and causes serious consequences due to negligence shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration; if the consequences are extremely serious, he shall be sentenced to fixed-term imprisonment of 3 up to 7 years.

He who commits a crime as mentioned in the preceding two paragraphs during wartime shall be given a heavier punishment.

Article 370 . Those who knowingly supply unqualified weapons and equipment and other military facilities to armed units are to be sentenced to not more than five years fixed-term imprisonment or limited incarceration. In serious cases, those law offenders are to be sentenced to more than five years but less than 10 years of fixed-term imprisonment. In especially serious cases, those law offenders are to be sentenced to more than 10 years of fixed-term imprisonment, life imprisonment or death.

Those who commit the above-mentioned crimes and cause serious consequences due

本法所称淫秽物品，是指具体描绘性行为或者露骨宣扬色情的诲淫性的书刊、影片、录像带、录音带、图片及其他淫秽物品。

有关人体生理、医学知识的科学著作不是淫秽物品。

包含有色情内容的有艺术价值的文学、艺术作品不视为淫秽物品。

第七章 危害国防利益罪

第三百六十八条 【阻碍军人执行职务罪】以暴力、威胁方法阻碍军人依法执行职务的，处三年以下有期徒刑、拘役、管制或者罚金。

【阻碍军事行动罪】故意阻碍武装部队军事行动，造成严重后果的，处五年以下有期徒刑或者拘役。

第三百六十九条 【破坏武器装备、军事设施、军事通信罪】破坏武器装备、军事设施、军事通信的，处三年以下有期徒刑、拘役或者管制；破坏重要武器装备、军事设施、军事通信的，处三年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

【过失损坏武器装备、军事设施、军事通信罪】过失犯前款罪，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

战时犯前两款罪的，从重处罚。

第三百七十条 【故意提供不合格武器装备、军事设施罪】明知是不合格的武器装备、军事设施而提供给武装部队的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

【过失提供不合格武器装备、军事设

to negligence are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration. Those who commit above-mentioned crimes and cause especially serious consequences due to negligence are to be sentenced to more than three years but less than seven years of fixed-term imprisonment.

If a unit commits crimes noted in section one of this article, the unit will be sentenced to a fine. Leading personnel of the unit having direct responsibility and other personnel directly responsible for the crimes are to be punished in accordance with section one of this article.

Article 371 . The principal leaders of those who assemble a crowd to charge military forbidden zones and seriously disrupt order in military forbidden zones are to be sentenced to more than five years but less than 10 years of fixed-term imprisonment. Other active participants are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration or probation or deprivation of political rights.

The principal leaders of those who assemble a crowd to seriously disrupt order in military administrative zones, hamper operation in the military administrative zones and cause serious losses are to be sentenced to more than three years but less than seven years of fixed-term imprisonment. Other active participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprivation of political rights.

Article 372 . Those who pose as military personnel and engage in cheating and bluffing are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprivation of political rights. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Article 373 . Those who instigate military personnel to escape from the unit to which they belong or knowingly employ those escaped military personnel are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration or probation if the situation is serious.

Article 374 . Those who play favoritism and commit irregularities in conscription work or receive and deliver unqualified enlisted men are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the situation is serious. Those law offenders are to be sentenced to more than three years but less than seven years fixed-term imprisonment if the consequences are especially serious.

Article 375 . Those who forge, alter, buy or sell, steal or rob documents, certificates and seals of armed units are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprivation of political rights. If the situation is serious, those law offenders are to be sentenced to more than three years

施罪】过失犯前款罪，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

单位犯第一款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第三百七十一条 【聚众冲击军事禁区罪】聚众冲击军事禁区，严重扰乱军事禁区秩序的，对首要分子，处五年以上十年以下有期徒刑；对其他积极参加的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

【聚众扰乱军事管理区秩序罪】聚众扰乱军事管理区秩序，情节严重，致使军事管理区工作无法进行，造成严重损失的，对首要分子，处三年以上七年以下有期徒刑；对其他积极参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

第三百七十二条 【冒充军人招摇撞骗罪】冒充军人招摇撞骗的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上十年以下有期徒刑。

第三百七十三条 【煽动军人逃离部队罪】【雇用逃离部队军人罪】煽动军人逃离部队或者明知是逃离部队的军人而雇用，情节严重的，处三年以下有期徒刑、拘役或者管制。

第三百七十四条 【接送不合格兵员罪】在征兵工作中徇私舞弊，接送不合格兵员，情节严重的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

第三百七十五条 【伪造、变造、买卖武装部队公文、证件、印章罪】

【盗窃、抢夺武装部队公文、证件、印章罪】伪造、变造、买卖或者盗窃、

but less than 10 years of fixed-term imprisonment.

Whoever illegally produces, buys, or sells uniforms of the armed forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, limited incarceration or probation, and/or be fined.

Whoever forges, steals, buys, sells, or illegally provides or uses license plates of vehicles or other special signs of the armed forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, limited incarceration or probation, and/or be fined; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Where any entity commits the crime in paragraph 2 or 3, it shall be fined, and the direct liable person in charge and other directly liable persons shall be punished under the applicable paragraph.

Article 376 . Reserve service personnel who refuse or evade conscription or military training in times of war are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the situation is serious.

Citizens who refuse or evade conscription in times of war are to be sentenced to not more two years of fixed-term imprisonment if the situation is serious.

Article 377 . Those who intentionally provide false enemy information and thus cause serious consequences are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment. Those whose acts cause especially serious consequences are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment.

Article 378 . Those who create rumors and undermine the morale of the armed forces are to be sentenced to not more three years of fixed-term imprisonment, limited incarceration or probation. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Article 379 . Those who knowingly provide shelter, properties and things for escaped

抢夺武装部队公文、证件、印章的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上十年以下有期徒刑。

【非法生产、买卖武装部队制式服装罪】非法生产、买卖武装部队制式服装，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

【伪造、盗窃、买卖、非法提供、非法使用武装部队专用标志罪】伪造、盗窃、买卖或者非法提供、使用武装部队车辆号牌等专用标志，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯第二款、第三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该款的规定处罚。

第三百七十六条 【战时拒绝、逃避征召、军事训练罪】预备役人员战时拒绝、逃避征召或者军事训练，情节严重的，处三年以下有期徒刑或者拘役。

【战时拒绝、逃避服役罪】公民战时拒绝、逃避服役，情节严重的，处二以下有期徒刑或者拘役。

第三百七十七条 【战时故意提供虚假敌情罪】战时故意向武装部队提供虚假敌情，造成严重后果的，处三年以上十年以下有期徒刑；造成特别严重后果的，处十年以上有期徒刑或者无期徒刑。

第三百七十八条 【战时造谣扰乱军心罪】战时造谣惑众，扰乱军心的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上十年以下有期徒刑。

第三百七十九条 【战时窝藏逃离部

military personnel in times of war are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the situation is serious.

Article 380 . Units which refuse or intentionally delay military orders for supplies in times of war are to be sentenced to a fine. The principal leading responsible personnel and other persons directly responsible for the crimes are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration. In serious cases, those law offenders are to be sentenced to more than five years of fixed-term imprisonment.

Article 381 . Those who refuse military expropriation or requisition in times of war are to be sentenced to more than three years of fixed-term imprisonment or limited incarceration if the situation is serious.

Chapter VIII Graft and Bribery

Article 382 . State personnel who take advantage of their office to misappropriate, steal, swindle or use other illegal means to acquire state properties constitute the crime of graft.

Those who are entrusted by state organs, state companies, state enterprises, state undertakings and mass organizations to administer and operate state properties but take advantage of their office to misappropriate, steal, swindle or use other illegal means to acquire state properties also constitute the crime of graft.

Those who collaborate with those personnel as listed in the aforementioned two paragraphs and join the crime are considered as committing a joint crime.

Article 383 . Whoever commits the crime of corruption shall be punished in light of the graveness of the crime according to the following provisions:

(1) If the amount involved in the corruption is relatively large or there is any other relatively serious circumstance, the convict shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.

(2) If the amount involved in the corruption is huge or there is any other serious circumstance, the convict shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine or forfeiture of property.

(3) If the amount involved in the corruption is especially huge or there is any other especially serious circumstance, the convict shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property; or if the amount involved is especially huge and especially material losses have been

队军人罪】战时明知是逃离部队的军人而为其提供隐蔽处所、财物，情节严重的，处三年以下有期徒刑或者拘役。

第三百八十条 【战时拒绝、故意延误军事订货罪】战时拒绝或者故意延误军事订货，情节严重的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役；造成严重后果的，处五年以上有期徒刑。

第三百八十一条 【战时拒绝军事征收、征用罪】战时拒绝军事征收、征用，情节严重的，处三年以下有期徒刑或者拘役。

第八章 贪污贿赂罪

第三百八十二条 【贪污罪】国家工作人员利用职务上的便利，侵吞、窃取、骗取或者其他手段非法占有公共财物的，是贪污罪。

受国家机关、国有公司、企业、事业单位、人民团体委托管理、经营国有财产的人员，利用职务上的便利，侵吞、窃取、骗取或者其他手段非法占有国有财物的，以贪污论。

与前两款所列人员勾结，伙同贪污的，以共犯论处。

第三百八十三条 【贪污罪的处罚规定】对犯贪污罪的，根据情节轻重，分别依照下列规定处罚：

（一）贪污数额较大或者有其他较重情节的，处三年以下有期徒刑或者拘役，并处罚金。

（二）贪污数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金或者没收财产。

（三）贪污数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；数额特别巨大，并使国家和人

caused to the interests of the state or the public, the convict shall be sentenced to life imprisonment or the death penalty and a forfeiture of property.

Whoever has committed repeatedly crimes of corruption without being punished shall be punished based on the accumulative amount involved in the crimes of corruption.

Whoever commits a crime as mentioned in paragraph 1, and before a public prosecution is filed, truthfully confesses his or her crime, shows sincere repentance and actively returns the illegally obtained money to avoid or reduce the occurrence of losses, if there is any circumstance as set forth in item (1), may be given a lighter or mitigated penalty or be exempt from penalty; or if there is any circumstance as set forth in item (2) or (3), may be given a lighter penalty.

Where a convict who commits a crime as mentioned in paragraph 1 and falls under any circumstance as set forth in item (3) is sentenced to death with a reprieve, the people's court may, in light of the circumstances of the crime committed, decide to commute the sentence to life imprisonment upon expiration of the two-year period, sentence the convict to life imprisonment, and shall not offer commutation or parole.

Article 384 . State personnel who take advantage of their office and misappropriate public funds for personal use or illegal activities or misappropriate large amounts of public funds without returning the money within three months are guilty of the crime of embezzlement and are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration. In serious cases, those offenders are to be sentenced to more than five years of fixed-term imprisonment. Those who misappropriate a large amount of public funds without returning the money are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment.

Those who misappropriate funds for relief of natural disasters, flood prevention, preferential treatment to military dependents, helping the poor and aid supplies for personal use are to be punished in a severe manner.

Article 385 . State personnel who take advantage of their office to demand money and things from other people or if they illegally accept money and things from other people and give favors to the latter are guilty of the crime of bribery.

State personnel in their economic operation accept various kinds of kickback and handling fees for their personal use in violation of state provisions also guilty of the crime of bribery and are to be punished accordingly.

Article 386 . Whoever commits the crime of accepting bribes is to be punished on the basis of Article 383 of this law according to the amount of bribes and the circumstances. A heavier punishment shall be given to whoever demands a bribe.

Article 387 . State organs, state-owned companies, enterprises, institutions, and

民利益遭受特别重大损失的，处无期徒刑或者死刑，并处没收财产。

对多次贪污未经处理的，按照累计贪污数额处罚。

犯第一款罪，在提起公诉前如实供述自己罪行、真诚悔罪、积极退赃，避免、减少损害结果的发生，有第一项规定情形的，可以从轻、减轻或者免除处罚；有第二项、第三项规定情形的，可以从轻处罚。

犯第一款罪，有第三项规定情形被判处死刑缓期执行的，人民法院根据犯罪情节等情况可以同时决定在其死刑缓期执行二年期满依法减为无期徒刑后，终身监禁，不得减刑、假释。

第三百八十四条 【挪用公款罪】国家工作人员利用职务上的便利，挪用公款归个人使用，进行非法活动的，或者挪用公款数额较大、进行营利活动的，或者挪用公款数额较大、超过三个月未还的，是挪用公款罪，处五年以下有期徒刑或者拘役；情节严重的，处五年以上有期徒刑。挪用公款数额巨大不退还的，处十年以上有期徒刑或者无期徒刑。

挪用用于救灾、抢险、防汛、优抚、扶贫、移民、救济款物归个人使用的，从重处罚。

第三百八十五条 【受贿罪】国家工作人员利用职务上的便利，索取他人财物的，或者非法收受他人财物，为他人谋取利益的，是受贿罪。

国家工作人员在经济往来中，违反国家规定，收受各种名义的回扣、手续费，归个人所有的，以受贿论处。

第三百八十六条 【受贿罪的处罚规定】对犯受贿罪的，根据受贿所得数额及情节，依照本法第三百八十三条的规定处罚。索贿的从重处罚。

第三百八十七条 【单位受贿罪】国

people's organizations which exact or illegally accept articles of property from other people and try to obtain gain for other people shall be sentenced to a fine if the circumstances are serious; moreover, their personnel who are directly in charge and other personnel who are directly held responsible for the crime are to be sentenced to not more than five years of fixed-term imprisonment or to limited incarceration.

In economic activities, should the units listed in the preceding paragraph secretly accept, outside the account, kickback or service charges of various types, they are to be punished as having accepted a bribe on the basis of the provisions in the preceding paragraph.

Article 388 . State functionaries who help trustors to seek illegitimate gain, exact or accept articles of property from trustors by taking advantage of the facilities created by their authority of office or position, or through the action related to the post of other state functionaries, shall be dealt with according to the crime of accepting bribes.

Article 388 (I):Where any close relative of a state functionary or any other person who has a close relationship with the said state functionary seeks any improper benefit for a requester for such a benefit through the official act of the said state functionary or through the official act of any other state functionary by using the advantages generated from the authority or position of the said state functionary, and asks or accepts property from the requester for such a benefit, and the amount is relatively large or there is any other relatively serious circumstance, he shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; if the amount is huge or there is any other serious circumstance, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined; or if the amount is extremely huge or there is any other extremely serious circumstance, shall be sentenced to fixed-term imprisonment not less than seven years, and be fined or be sentenced to confiscation of property.

Where any state functionary who has left his position, any close relative of him or any other person who has a close relationship with him commits the act as prescribed in the preceding paragraph by using the advantages generated from the former authority or position of the said state functionary, he shall be convicted and punished under the preceding paragraph.

Article 389 . An act of giving state functionaries articles of property in order to seek illegitimate gain shall be considered a crime of offering bribes.

In economic activities, whoever gives articles of property to state functionaries in violation of state provisions, when the amount is fairly large, or gives a kickback or

家机关、国有公司、企业、事业单位、人民团体，索取、非法收受他人财物，为他人谋取利益，情节严重的，对单位处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

前款所列单位，在经济往来中，在帐外暗中收受各种名义的回扣、手续费的，以受贿论，依照前款的规定处罚。

第三百八十八条 【受贿罪】国家工作人员利用本人职权或者地位形成的便利条件，通过其他国家工作人员职务上的行为，为请托人谋取不正当利益，索取请托人财物或者收受请托人财物的，以受贿论处。

第三百八十八条 之一 【利用影响力受贿罪】国家工作人员的近亲属或者其他与该国家工作人员关系密切的人，通过该国家工作人员职务上的行为，或者利用该国家工作人员职权或者地位形成的便利条件，通过其他国家工作人员职务上的行为，为请托人谋取不正当利益，索取请托人财物或者收受请托人财物，数额较大或者有其他较重情节的，处三年以下有期徒刑或者拘役，并处罚金；数额巨大或者有其他严重情节的，处三年以上七年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处七年以上有期徒刑，并处罚金或者没收财产。

离职的国家工作人员或者其近亲属以及其他与其关系密切的人，利用该离职的国家工作人员原职权或者地位形成的便利条件实施前款行为的，依照前款的规定定罪处罚。

第三百八十九条 【行贿罪】为谋取不正当利益，给予国家工作人员以财物的，是行贿罪。

在经济往来中，违反国家规定，给予国家工作人员以财物，数额较大的，

service charges of various types to state functionaries in violation of state provisions is to be dealt with as committing the crime of offering bribes.

Whoever gives articles of property to state functionaries due to extortion but receives no illegitimate gain shall not be considered as committing the crime of offering bribes.

Article 390 . Whoever commits the crime of offering bribes shall be sentenced to imprisonment of not more than five years or limited incarceration in addition to a fine; whoever seeks any illicit benefit by means of offering bribes and the circumstances are serious or causes any serious loss to the national interest shall be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine; or if the circumstances are especially serious, or any especially serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property.

The briber who actively confesses to his or her crime before being prosecuted may be given a lighter or mitigated penalty. Whoever commits a relatively minor crime and plays a crucial role in resolving an important case or has any major meritorious performance may be given a lighter penalty or be exempt from penalty.

Article 390 (I): Whoever, for the purpose of seeking illicit benefits, offers bribe to any close relative of an employee of a state functionary or any other person who has a close relationship with the said employee of the state authority, or any dismissed employee of a state authority or any of his or her close relatives or any other person who has a close relationship with the said employee shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine; if there is any serious circumstance or any serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; or if there is any other especially serious circumstance or any especially serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than seven years but not more than ten years in addition to a fine.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.

Article 391 . Whoever offers property to any state authority, state-owned company, enterprise, public institution or people's organization for the purpose of seeking illicit benefits or offers commission or handling charges in any name in violation of the provisions of the state in economic exchanges shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.

或者违反国家规定，给予国家工作人员以各种名义的回扣、手续费的，以行贿论处。

因被勒索给予国家工作人员以财物，没有获得不正当利益的，不是行贿。

第三百九十条 【行贿罪的处罚规定】
对犯行贿罪的，处五年以下有期徒刑或者拘役，并处罚金；因行贿谋取不正当利益，情节严重的，或者使国家利益遭受重大损失的，处五年以上十年以下有期徒刑，并处罚金；情节特别严重的，或者使国家利益遭受特别重大损失的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

行贿人在被追诉前主动交待行贿行为的，可以从轻或者减轻处罚。其中，犯罪较轻的，对侦破重大案件起关键作用的，或者有重大立功表现的，可以减轻或者免除处罚。

第三百九十条 之一 【对有影响力的人行贿罪】为谋取不正当利益，向国家工作人员的近亲属或者其他与该国家工作人员关系密切的人，或者向离职的国家工作人员或者其近亲属以及其他与其关系密切的人行贿的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，或者使国家利益遭受重大损失的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，或者使国家利益遭受特别重大损失的，处七年以上十年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役，并处罚金。

第三百九十一条 【对单位行贿罪】为谋取不正当利益，给予国家机关、国有公司、企业、事业单位、人民团体以财物的，或者在经济往来中，违反国家规定，给予各种名义的回扣、

Whichever unit commits the crime mentioned in the preceding paragraph is to be sentenced to a fine, and the responsible persons who are directly in charge of the unit or other personnel who are held directly responsible for the crime shall be punished on the basis of the preceding paragraph.

Article 392 . Whoever introduces bribery to any employee of a state authority shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine if the circumstances are serious.

Before prosecution, if the person introducing bribery to state functionaries takes the initiative to admit his/her crime, he or she may receive a lighter punishment or be exempted from punishment.

Article 393 . Where any entity offers bribes for the purpose of seeking illicit benefits or offers commission or handling charges to any employee of a state authority in violation of the provisions of the state shall, if the circumstances are serious, be sentenced to a fine, and the directly responsible person in charge and other directly liable persons shall be sentenced to imprisonment of not more than five years or limited incarceration in addition to a fine. Whoever owns the illegal income obtained from bribery shall be convicted and punished in accordance with the provisions of Articles 389 and 390 of this Law.

Article 394 . State functionaries who accept gifts in the course of carrying out official duties at home or in intercourse with foreign countries but who fail to turn over the gifts to the state in accordance with state provisions, when the amount is fairly large, shall be punished in accordance with the crimes stated in Article 382 and Article 383 of this law.

Article 395 . Where the property or expenditure of any state functionary obviously exceeds his legitimate income, and the difference is huge, he shall be ordered to explain the sources. If he fails to do so, the difference shall be determined as illegal income, and he shall be sentenced to fixed-term imprisonment not more than five years or limited incarceration; or if the difference is extremely huge, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years. The difference of the property shall be recovered.

State functionaries who have savings deposits in foreign countries must declare their deposits according to state provisions. Those who hide their deposits of this nature by not declaring them are to be sentenced to not more than two years of fixed-term imprisonment or to limited incarceration; when the circumstances are not serious, they

手续费的，处三年以下有期徒刑或者拘役，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百九十二条 【介绍贿赂罪】 向国家工作人员介绍贿赂，情节严重的，处三年以下有期徒刑或者拘役，并处罚金。

介绍贿赂人在被追诉前主动交待介绍贿赂行为的，可以减轻处罚或者免除处罚。

第三百九十三条 【单位行贿罪】 单位为谋取不正当利益而行贿，或者违反国家规定，给予国家工作人员以回扣、手续费，情节严重的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，并处罚金。因行贿取得的违法所得归个人所有的，依照本法第三百八十九条、第三百九十条的规定定罪处罚。

第三百九十四条 【贪污罪】 国家工作人员在国内公务活动或者对外交往中接受礼物，依照国家规定应当交公而不交公，数额较大的，依照本法第三百八十二条、第三百八十三条的规定定罪处罚。

第三百九十五条 【巨额财产来源不明罪】 国家工作人员的财产、支出明显超过合法收入，差额巨大的，可以责令该国家工作人员说明来源，不能说明来源的，差额部分以非法所得论，处五年以下有期徒刑或者拘役；差额特别巨大的，处五年以上十年以下有期徒刑。财产的差额部分予以追缴。

【隐瞒境外存款罪】 国家工作人员在境外的存款，应当依照国家规定申报。数额较大、隐瞒不报的，处二年以下有期徒刑或者拘役；情节较轻的，由

shall be given administrative punishment by the unit to which they belong or by a competent organ of a higher level according to the circumstance.

Article 396 . State organs, state-owned companies, enterprises, business units, and mass organizations which violate state regulations by privately distributing state assets to groups of individuals in the name of the units, where the amounts involved are fairly large, the principal personnel directly responsible and other personnel with direct responsibility shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine; and when huge amounts are involved, not less than three years and not more than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Judicial organizations and administrative and law enforcement organizations which violate state stipulations by privately distributing to groups of individuals fines and confiscated goods that should be turned over to the higher authorities, shall be punished in accordance with the stipulations of the preceding paragraph.

Chapter IX Crimes of Dereliction of Duty

Article 397 . State personnel who abuse their power or neglect their duties, causing great losses to public property and the state's and people's interests, shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed-term imprisonment. Where there are separate stipulations under this law, these stipulations shall be followed.

State personnel who practice favoritism and commit irregularities and the crimes mentioned in the preceding paragraph shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment. Where there are separate stipulations under this law, these stipulations shall be followed.

Article 398 . State personnel who violate the stipulations of the Law of Protection of State Secrets and intentionally or negligently reveal state secrets, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed-term imprisonment.

Non-state personnel who commit the crime mentioned in the preceding paragraph shall be punished in consideration of the circumstances and in accordance with the stipulations of the preceding paragraph.

Article 399 . Any judicial officer who, by bending the law for selfish ends or twisting the law to serve his friends and relatives, subjects any person he knows to be innocent

其所在单位或者上级主管机关酌情给予行政处分。

第三百九十六条 【私分国有资产罪】

国家机关、国有公司、企业、事业单位、人民团体，违反国家规定，以单位名义将国有资产集体私分给个人，数额较大的，对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役，并处或者单处罚金；数额巨大的，处三年以上七年以下有期徒刑，并处罚金。

【私分罚没财物罪】司法机关、行政执法机关违反国家规定，将应当上缴国家的罚没财物，以单位名义集体私分给个人的，依照前款的规定处罚。

第九章 渎职罪

第三百九十七条 【滥用职权罪】

【玩忽职守罪】国家机关工作人员滥用职权或者玩忽职守，致使公共财产、国家和人民利益遭受重大损失的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。本法另有规定的，依照规定。

国家机关工作人员徇私舞弊，犯前款罪的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上十年以下有期徒刑。本法另有规定的，依照规定。

第三百九十八条 【故意泄露国家秘密罪】**【过失泄露国家秘密罪】**国家机关工作人员违反[保守国家秘密法](#)的规定，故意或者过失泄露国家秘密，情节严重的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。

非国家机关工作人员犯前款罪的，依照前款的规定酌情处罚。

第三百九十九条 【徇私枉法罪】司法工作人员徇私枉法、徇情枉法，对

to investigation for criminal responsibility, intentionally protects any person he knows to be guilty from investigation for criminal responsibility, intentionally runs counter to the facts and law to render judgments that abuse the law in criminal proceedings shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Whoever, in civil or administrative proceedings, intentionally runs counter to the facts and law to render judgments that abuse the law, if the circumstance is serious, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Whoever, in the enforcement of any judgment or ruling, seriously neglects his duty or abuses his authority and fails to adopt judicial protective measures or perform statutory enforcement duties, or illegally adopts judicial protective measures or mandatory enforcement measures, if any heavy loss thus occurs to the interests of the parties involved or others, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if any especially heavy loss thus occurs to the interests of the parties involved or others, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

Any judicial officer, who takes any bribe and commits any act mentioned in the preceding three paragraphs, which also constitutes a crime as provided for in Article 385 of this Law, shall be convicted and punished in accordance with the provisions for a heavier punishment.

Article 399 (I): Where anyone who undertakes the duties of arbitration according to law intentionally goes against the facts or law and makes any wrongful ruling in the process of arbitration, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are extremely serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 400 . Judicial work personnel who release without authority crime suspects, accused persons, or criminals from custody shall be punished with imprisonment or limited incarceration of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years; or -- for cases of an extraordinary serious nature -- with imprisonment of over 10 years.

Judicial work personnel who, because of serious irresponsibility, cause the escape of crime suspects, accused persons, or criminals from custody resulting in severe

明知是无罪的人而使他受追诉、对明知是有罪的人而故意包庇不使他受追诉, 或者在刑事审判活动中故意违背事实和法律作枉法裁判的, 处五年以下有期徒刑或者拘役; 情节严重的, 处五年以上十年以下有期徒刑; 情节特别严重的, 处十年以上有期徒刑。

【民事、行政枉法裁判罪】在民事、行政审判活动中故意违背事实和法律作枉法裁判, 情节严重的, 处五年以下有期徒刑或者拘役; 情节特别严重的, 处五年以上十年以下有期徒刑。

【执行判决、裁定失职罪】【执行判决、裁定滥用职权罪】在执行判决、裁定活动中, 严重不负责任或者滥用职权, 不依法采取诉讼保全措施、不履行法定执行职责, 或者违法采取诉讼保全措施、强制执行措施, 致使当事人或者其他人的利益遭受重大损失的, 处五年以下有期徒刑或者拘役; 致使当事人或者其他人的利益遭受特别重大损失的, 处五年以上十年以下有期徒刑。

司法工作人员收受贿赂, 有前三款行为的, 同时又构成本法第三百八十五条规定之罪的, 依照处罚较重的规定定罪处罚。

第三百九十九条 之一 【枉法仲裁罪】依法承担仲裁职责的人员, 在仲裁活动中故意违背事实和法律作枉法裁决, 情节严重的, 处三年以下有期徒刑或者拘役; 情节特别严重的, 处三年以上七年以下有期徒刑。

第四百条 【私放在押人员罪】司法工作人员私放在押的犯罪嫌疑人、被告人或者罪犯的, 处五年以下有期徒刑或者拘役; 情节严重的, 处五年以上十年以下有期徒刑; 情节特别严重的, 处十年以上有期徒刑。

【失职致使在押人员脱逃罪】司法工作人员由于严重不负责任, 致使在押

consequences, shall be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary serious consequences -- with imprisonment of over three years and less than 10 years.

Article 401 . Judicial work personnel who, because of favoritism and malpractice, offer commutation, parole, or out-of-prison enforcement for offenses that fail to meet requirements of such commutation, parole, or out-of-prison enforcement, shall be punished with imprisonment or limited incarceration of less than three years; or -- for cases of a serious nature -- with imprisonment of over three years and less than seven years.

Article 402 . Administrative law enforcement personnel who, because of favoritism and malpractice, fail to refer cases to judicial organs for establishing criminal liabilities under the law, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years; or -- where serious consequences have been caused -- with imprisonment of over three years and less than seven years.

Article 403 . State organ work personnel under relevant competent state departments, who, because of favoritism, malpractice, and abuse of powers, approve or register the incorporation or registration of companies that fail to meet conditions required by law, or approve their applications for issuance of shares or bonds, or listing resulting in serious losses to public property and interests of the state and the people, shall be punished with imprisonment or limited incarceration of less than five years.

Personnel directly in charge of a department of a higher level that forcibly order registration organs or their work personnel to commit acts of the preceding paragraph shall be punished according to provisions of the preceding paragraph.

Article 404 . Work personnel of tax organs, who, because of favoritism and malpractice, fail to impose or impose less mandatory taxes resulting in serious losses of state revenues, shall be punished with imprisonment or limited incarceration of less than five years; or -- in cases causing extraordinary serious losses -- with imprisonment of over five years.

Article 405 . Work personnel of tax organs, who, in violation of provisions under the law and administrative rules, cause great losses to state interests in handling work relating to sale of invoices, tax offsetting, and export tax refund as a result of favoritism and malpractice, shall be punished with imprisonment or limited incarceration of less than five years; or -- in cases causing extraordinary serious losses to state interests -- with imprisonment of over five years.

的犯罪嫌疑人、被告人或者罪犯脱逃，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上十年以下有期徒刑。

第四百零一条 【徇私舞弊减刑、假释、暂予监外执行罪】司法工作人员徇私舞弊，对不符合减刑、假释、暂予监外执行条件的罪犯，予以减刑、假释或者暂予监外执行的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

第四百零二条 【徇私舞弊不移交刑事案件罪】行政执法人员徇私舞弊，对依法应当移交司法机关追究刑事责任的不移交，情节严重的，处三年以下有期徒刑或者拘役；造成严重后果的，处三年以上七年以下有期徒刑。

第四百零三条 【滥用管理公司、证券职权罪】国家有关主管部门的国家机关工作人员，徇私舞弊，滥用职权，对不符合法律规定条件的公司设立、登记申请或者股票、债券发行、上市申请，予以批准或者登记，致使公共财产、国家和人民利益遭受重大损失的，处五年以下有期徒刑或者拘役。

上级部门强令登记机关及其工作人员实施前款行为的，对其直接负责的主管人员，依照前款的规定处罚。

第四百零四条 【徇私舞弊不征、少征税款罪】税务机关的工作人员徇私舞弊，不征或者少征应征税款，致使国家税收遭受重大损失的，处五年以下有期徒刑或者拘役；造成特别重大损失的，处五年以上有期徒刑。

第四百零五条 【徇私舞弊发售发票、抵扣税款、出口退税罪】税务机关的工作人员违反法律、行政法规的规定，在办理发售发票、抵扣税款、出口退税工作中，徇私舞弊，致使国家利益遭受重大损失的，处五年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处五年以上有期徒刑。

Other state organ work personnel, who, in violation of state stipulations, practice favoritism and malpractice in work relating to export tax refunds, including provision of customs declaration bills for export goods, and verification and cancellation of exchange earnings through export, resulting in serious losses to state interests, shall be punished according to the provisions of the preceding paragraph.

Article 406 . Work personnel of state organs, who, because of serious irresponsibility, have been deceived in the course of entering or executing agreements, resulting in serious losses to state interests, shall be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary serious losses to state interests -- with imprisonment of over three years and less than seven years.

Article 407 . Work personnel of departments in charge of forest industry, who, in violation of provisions under the Forest Law , issue logging licenses in excess of approved annual quotas or indiscriminately issue logging licenses, shall -- in cases of a serious nature that cause severe damages to forests -- be punished with imprisonment or limited incarceration of less than three years.

Article 408 . Where any staff member of a state authority assuming the food and drug safety supervision and administration duties falls under any of the following circumstances, abusing powers or neglecting duties, if the consequences are serious or there is any other serious circumstance, the staff member shall be sentenced to imprisonment of not more than five years or limited incarceration; or if the consequences are especially serious or there is any other especially serious circumstance, the staff member shall be sentenced to imprisonment of not less than five years nor more than ten years:

(1) Reporting by concealing or falsifying a food safety accident or drug safety incident.

(2) Failing to investigate and dispose of any discovered serious violation of law related to food and drug safety according to the applicable provisions.

(3) Granting a license to an application which fails to meet the conditions in the process of approval and assessment of drug products and special foods.

【违法提供出口退税证罪】其他国家机关工作人员违反国家规定，在提供出口货物报关单、出口收汇核销单等出口退税凭证的工作中，徇私舞弊，致使国家利益遭受重大损失的，依照前款的规定处罚。

第四百零六条 【国家机关工作人员签订、履行合同失职被骗罪】国家机关工作人员在签订、履行合同过程中，因严重不负责任被诈骗，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

第四百零七条 【违法发放林木采伐许可证罪】林业主管部门的工作人员违反森林法的规定，超过批准的年采伐限额发放林木采伐许可证或者违反规定滥发林木采伐许可证，情节严重，致使森林遭受严重破坏的，处三年以下有期徒刑或者拘役。

第四百零八条 【环境监管失职罪】负有环境保护监督管理职责的国家机关工作人员严重不负责任，导致发生重大环境污染事故，致使公私财产遭受重大损失或者造成人身伤亡的严重后果的，处三年以下有期徒刑或者拘役。

第四百零八条 之一 【食品监管渎职罪】负有食品药品安全监督管理职责的国家机关工作人员，滥用职权或者玩忽职守，有下列情形之一，造成严重后果或者有其他严重情节的，处五年以下有期徒刑或者拘役；造成特别严重后果或者有其他特别严重情节的，处五年以上十年以下有期徒刑：

（一）瞒报、谎报食品安全事故、药品安全事件的；

（二）对发现的严重食品药品安全违法行为未按规定查处的；

(4) Failing to transfer a case that shall be transferred to the judicial authority for criminal liability in accordance with the law.

(5) Any other conduct of abusing powers or neglecting duties.

Article 408 (I): Where a state functionary with food safety supervision and management functions abuses his powers or neglects his duties, if any serious food safety accident or other serious consequence is caused, he shall be sentenced to imprisonment of not more than 5 years or limited incarceration; or if any especially serious consequence is caused, be sentenced to imprisonment of not less than 5 years but not more than 10 years.

Where the crime as provided for in the preceding paragraph is committed by the state functionary by making falsehood for personal gains, a heavier penalty shall be imposed on him.

Article 409 . Government work personnel of public health administrative departments engaging in the prevention and treatment of infectious diseases, whose serious irresponsibility has resulted in the communication and spread of infectious diseases, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years.

Article 410 . State organ work personnel, who practice favoritism and malpractice, violate land management rules, and abuse powers in illegally approving land acquisition and occupation, or illegally leasing out land use rights at a price lower than market value, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary heavy losses to state or collective interests -- with imprisonment of over three years and less than seven years.

Article 411 . Customs work personnel who practice favoritism and malpractice in conniving smuggling, shall, -- for cases of a serious nature-- be punished with imprisonment or limited incarceration of less than five years; or -- for cases of an extraordinary serious nature -- be punished with imprisonment of over five years.

Article 412 . Work personnel with state commercial inspection departments or organizations, who practice favoritism and malpractice and forge inspection results, shall be punished with imprisonment or limited incarceration of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years.

Work personnel mentioned in the preceding paragraph, who, because of serious

(三) 在药品和特殊食品审批评审过程中, 对不符合条件的申请准予许可的;

(四) 依法应当移交司法机关追究刑事责任不移交的;

(五) 有其他滥用职权或者玩忽职守行为的。

徇私舞弊犯前款罪的, 从重处罚。

第四百零九条 【传染病防治失职罪】

从事传染病防治的政府卫生行政部门的工作人员严重不负责任, 导致传染病传播或者流行, 情节严重的, 处三年以下有期徒刑或者拘役。

第四百一十条 【非法批准征收、征用、占用土地罪】【非法低价出让国有土地使用权罪】国家机关工作人员徇私舞弊, 违反土地管理法规, 滥用职权, 非法批准征收、征用、占用土地, 或者非法低价出让国有土地使用权, 情节严重的, 处三年以下有期徒刑或者拘役; 致使国家或者集体利益遭受特别重大损失的, 处三年以上七以下有期徒刑。

第四百一十一条 【放纵走私罪】海关工作人员徇私舞弊, 放纵走私, 情节严重的, 处五年以下有期徒刑或者拘役; 情节特别严重的, 处五年以上有期徒刑。

第四百一十二条 【商检徇私舞弊罪】

国家商检部门、商检机构的工作人员徇私舞弊, 伪造检验结果的, 处五年以下有期徒刑或者拘役; 造成严重后果的, 处五年以上十年以下有期徒刑。

【商检失职罪】前款所列人员严重不

irresponsibility, fail to inspect goods requiring inspection, or delay inspection and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or limited incarceration of less than three years.

Article 413 . Quarantine personnel with animal and plant quarantine organs, who practice favoritism and malpractice in forging quarantine results, shall be punished with imprisonment or limited incarceration of less than five years; or -- in cases with serious consequences -- with imprisonment of over five years and less than 10 years.

Work personnel mentioned in the preceding paragraph, who, because of serious irresponsibility, fail to carry out quarantine on goods requiring quarantine, or delay quarantine and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or limited incarceration of less than three years.

Article 414 . State organ work personnel charged with the responsibility of establishing liabilities of criminal acts relating to the sale of fake and shoddy merchandise, who practice favoritism and malpractice and fail to perform their duties under the law, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than five years.

Article 415 . State organ work personnel charged with the responsibility of handling passports, visas, and other exit/entry documents, who knowingly grant exit/entry documents to personnel attempting to cross state (border) lines illegally; or state organ work personnel of frontier defense or customs, who knowingly let go personnel who try to cross state (border) lines illegally, shall be punished with imprisonment or limited incarceration of less than three years; or -- in cases of a serious nature -- with imprisonment of over three years and less than seven years.

Article 416 . State organ personnel charged with the responsibility of rescuing abducted or kidnapped women and children, who fail to act at the request of the abducted or kidnapped women or children or members of their family or at information received from members of the public, resulting in serious consequences, shall be punished with imprisonment or limited incarceration of less than five years.

State organ work personnel with rescue responsibility, who take advantage of their

负责任，对应当检验的物品不检验，或者延误检验出证、错误出证，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役。

第四百一十三条 【动植物检疫徇私舞弊罪】动植物检疫机关的检疫人员徇私舞弊，伪造检疫结果的，处五年以下有期徒刑或者拘役；造成严重后果的，处五年以上十年以下有期徒刑。

【动植物检疫失职罪】前款所列人员严重不负责任，对应当检疫的检疫物不检疫，或者延误检验出证、错误出证，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役。

第四百一十四条 【放纵制售伪劣商品犯罪行为罪】对生产、销售伪劣商品犯罪行为负有追究责任的国家机关工作人员，徇私舞弊，不履行法律规定的追究职责，情节严重的，处五年以下有期徒刑或者拘役。

第四百一十五条 【办理偷越国（边）境人员出入境证件罪】【放行偷越国（边）境人员罪】负责办理护照、签证以及其他出入境证件的国家机关工作人员，对明知是企图偷越国（边）境的人员，予以办理出入境证件的，或者边防、海关等国家机关工作人员，对明知是偷越国（边）境的人员，予以放行的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

第四百一十六条 【不解救被拐卖、绑架妇女、儿童罪】对被拐卖、绑架的妇女、儿童负有解救职责的国家机关工作人员，接到被拐卖、绑架的妇女、儿童及其家属的解救要求或者接到其他人的举报，而对被拐卖、绑架的妇女、儿童不进行解救，造成严重后果的，处五年以下有期徒刑或者拘役。

【阻碍解救被拐卖、绑架妇女、儿童

duties to obstruct rescue operations, shall be punished with imprisonment of over two years and less than seven years; or -- for less serious cases -- with imprisonment or limited incarceration of less than two years.

Article 417 . State organ personnel charged with the responsibility of investigating and banning criminal activities, who send secret information or tip off criminal elements, or provide facility to help them evade punishment, shall be punished with imprisonment or limited incarceration of less than three years; or -- in cases of a serious nature -- with imprisonment of over three years and less than 10 years.

Article 418 . State organ work personnel who practice favoritism and malpractice in recruiting government functionaries or students, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years.

Article 419 . State personnel who cause damage to or loss of precious cultural relics through serious irresponsibility shall be sentenced to not more than three years in prison or limited incarceration if the circumstances are serious.

Chapter X Crimes of Violation of Duty by Military Personnel

Article 420 . Acts by military personnel of endangering national and military interests in violation of their duties which are punishable by law are considered crimes in violation of duty by military personnel.

Article 421 . Those who endanger military operations in defiance of orders in wartime shall be sentenced to not less than three years and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 422 . Those who endanger military operations by deliberately concealing military information, providing false military information, refusing to relay military orders, or relaying false military orders shall be sentenced to not less than three years and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 423 . Those who care for nothing but their own lives on the battleground and lay down their arms and surrender to the enemy of their own accord shall be sentenced to not less than three years and not more than 10 years in prison. If the circumstances

罪】负有解救职责的国家机关工作人员利用职务阻碍解救的，处二年以上七年以下有期徒刑；情节较轻的，处二年以下有期徒刑或者拘役。

第四百一十七条 【帮助犯罪分子逃避处罚罪】有查禁犯罪活动职责的国家机关工作人员，向犯罪分子通风报信、提供便利，帮助犯罪分子逃避处罚的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上十年以下有期徒刑。

第四百一十八条 【招收公务员、学生徇私舞弊罪】国家机关工作人员在招收公务员、学生工作中徇私舞弊，情节严重的，处三年以下有期徒刑或者拘役。

第四百一十九条 【失职造成珍贵文物损毁、流失罪】国家机关工作人员严重不负责任，造成珍贵文物损毁或者流失，后果严重的，处三年以下有期徒刑或者拘役。

第十章 军人违反职责罪

第四百二十条 【军人违反职责罪的概念】军人违反职责，危害国家军事利益，依照法律应当受刑罚处罚的行为，是军人违反职责罪。

第四百二十一条 【战时违抗命令罪】战时违抗命令，对作战造成危害的，处三年以上十年以下有期徒刑；致使战斗、战役遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百二十二条 【隐瞒、谎报军情罪】【拒传、假传军令罪】故意隐瞒、谎报军情或者拒传、假传军令，对作战造成危害的，处三年以上十年以下有期徒刑；致使战斗、战役遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百二十三条 【投降罪】在战场上贪生怕死，自动放下武器投降敌人的，处三年以上十年以下有期徒刑；

are serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

Those who work for the enemy after their surrender shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 424 . Those who flee from battle shall be sentenced to not more than three years in prison. If the circumstances are serious, they shall be sentenced to not less than three years in prison and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 425 . Commanders and personnel on duty who cause serious consequences by leaving their posts without permission or by neglecting their duties shall be sentenced to not more than three years in prison or limited incarceration. In the event of especially serious consequences, they shall be sentenced to not less than three years and not more than seven years in prison.

Those who commit the crimes mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years in prison.

Article 426 . Whoever obstructs any commander or person on duty from performing his or her duties through violence or intimidation shall be sentenced to imprisonment of not more than five years or limited incarceration; be sentenced to imprisonment of not less than five years but not more than ten years if the circumstances are serious; or be sentenced to imprisonment of not less than ten years or life imprisonment if the circumstances are especially serious. Whoever commits the crime during wartime shall be given a heavier penalty.

Article 427 . Those who cause serious consequences by abusing their powers and directing their subordinates to engage in activities in violation of their duties shall be sentenced to not more than five years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

Article 428 . Commanders who cause serious consequences by turning away from battle or acting passively in combat in defiance of orders shall be sentenced to not more than five years in prison. In the event of major losses in combat or battle, or other especially serious circumstances, they shall be sentenced to not less than five years in prison.

Article 429 . The commanders of those who cause friendly forces to suffer major losses by not coming to their rescue on the battleground, although they know that they are in imminent danger, are asking for rescue, and can be rescued, shall be sentenced

情节严重的，处十年以上有期徒刑或者无期徒刑。

投降后为敌人效劳的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百二十四条 【战时临阵脱逃罪】
战时临阵脱逃的，处三年以下有期徒刑；情节严重的，处三年以上十年以下有期徒刑；致使战斗、战役遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百二十五条 【擅离、玩忽军事职守罪】指挥人员和值班、值勤人员擅离职守或者玩忽职守，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

战时犯前款罪的，处五年以上有期徒刑。

第四百二十六条 【阻碍执行军事职务罪】以暴力、威胁方法，阻碍指挥人员或者值班、值勤人员执行职务的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。战时从重处罚。

第四百二十七条 【指使部属违反职责罪】滥用职权，指使部属进行违反职责的活动，造成严重后果的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上十年以下有期徒刑。

第四百二十八条 【违令作战消极罪】指挥人员违抗命令，临阵畏缩，作战消极，造成严重后果的，处五年以下有期徒刑；致使战斗、战役遭受重大损失或者有其他特别严重情节的，处五年以上有期徒刑。

第四百二十九条 【拒不救援友邻部队罪】在战场上明知友邻部队处境危急请求救援，能救援而不救援，致使

to not more than five years in prison.

Article 430 . Those who endanger national and military interests by leaving their posts without permission, fleeing the country, or defecting while outside the country during the course of performing official duties shall be sentenced to not more than five years in prison or limited incarceration.

If the circumstances are serious, they shall be sentenced to not less than five years in prison. In the event of desertion by aircraft or on board vessels, or other especially serious circumstances, those involved shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 431 . Those who illegally obtain military secrets by stealing, spying, or buying such secrets shall be sentenced to not more than five years in prison. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison.

Whoever steals, pries into, buys, or illegally provides any military secret for any overseas institution, organization, or individual shall be sentenced to imprisonment of not less than five years nor more than ten years; or if the circumstances are serious, shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death.

Article 432 . Those who leak military secrets by design or by accident in violation of laws and regulations on protecting state secrets shall be sentenced to not more than five years in prison or limited incarceration if the circumstances are serious. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

Article 433 . Whoever fabricates rumors to mislead people and shake the confidence of the army in wartime shall be sentenced to imprisonment of not more than three years; be sentenced to imprisonment of not less than three years but not more than ten years if the circumstances are serious; or be sentenced to imprisonment of not less than ten years or life imprisonment if the circumstances are especially serious.

Article 434 . Those who inflict injuries on themselves to eschew military duties in wartime shall be sentenced to not more than three years in prison. If the circumstances

友邻部队遭受重大损失的，对指挥人员，处五年以下有期徒刑。

第四百三十条 【军人叛逃罪】在履行公务期间，擅离岗位，叛逃境外或者在境外叛逃，危害国家军事利益的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上有期徒刑。

驾驶航空器、舰船叛逃的，或者有其他特别严重情节的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百三十一条 【非法获取军事秘密罪】以窃取、刺探、收买方法，非法获取军事秘密的，处五年以下有期徒刑；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑。

【为境外窃取、刺探、收买、非法提供军事秘密罪】为境外的机构、组织、人员窃取、刺探、收买、非法提供军事秘密的，处五年以上十年以下有期徒刑；情节严重的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百三十二条 【故意泄露军事秘密罪】【过失泄露军事秘密罪】违反保守国家秘密法规，故意或者过失泄露军事秘密，情节严重的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上十年以下有期徒刑。

战时犯前款罪的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。

第四百三十三条 【战时造谣惑众罪】战时造谣惑众，动摇军心的，处三年以下有期徒刑；情节严重的，处三年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。

第四百三十四条 【战时自伤罪】战时自伤身体，逃避军事义务的，处三

are serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 435 . Those who desert their troops in violation of military service laws and regulations shall be sentenced to not more than three years in prison or limited incarceration if the circumstances are serious.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than three years and not more than seven years in prison.

Article 436 . Those who violate regulations on the use of weaponry in circumstances that are so serious as to constitute accidents through negligence that result in serious injuries or deaths or that cause other serious consequences shall be sentenced to not more than three years in prison or limited incarceration. If the consequences are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 437 . Those who cause serious consequences by changing the prescribed ways of using weaponry in violation of weaponry management regulations shall be sentenced to not more than three years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 438 . Those who steal or snatch weaponry or war materiel shall be sentenced to not more than five years in prison or limited incarceration. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Those who steal or snatch firearms, ammunition, or explosives shall be punished in accordance with the provisions in Article 127 of this law.

Article 439 . Those who illegally sell or transfer military weaponry shall be sentenced to not less than three years and not more than 10 years in prison. In the event of selling or transferring large quantities of weaponry, or other especially serious circumstances, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 440 . Those who abandon weaponry in defiance of orders shall be sentenced to not more than five years in prison or limited incarceration. In the event of abandoning important weaponry or large quantities of weaponry, or other serious circumstances, they shall be sentenced to not less than five years in prison.

年以下有期徒刑；情节严重的，处三年以上七年以下有期徒刑。

第四百三十五条 【逃离部队罪】 违反兵役法规，逃离部队，情节严重的，处三年以下有期徒刑或者拘役。

战时犯前款罪的，处三年以上七年以下有期徒刑。

第四百三十六条 【武器装备肇事罪】 违反武器装备使用规定，情节严重，因而发生责任事故，致人重伤、死亡或者造成其他严重后果的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑。

第四百三十七条 【擅自改变武器装备编配用途罪】 违反武器装备管理规定，擅自改变武器装备的编配用途，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

第四百三十八条 【盗窃、抢夺武器装备、军用物资罪】 盗窃、抢夺武器装备或者军用物资的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

【盗窃、抢夺枪支、弹药、爆炸物、危险物质罪】 盗窃、抢夺枪支、弹药、爆炸物的，依照本法第一百二十七条的规定处罚。

第四百三十九条 【非法出卖、转让武器装备罪】 非法出卖、转让军队武器装备的，处三年以上十年以下有期徒刑；出卖、转让大量武器装备或者有其他特别严重情节的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百四十条 【遗弃武器装备罪】 违抗命令，遗弃武器装备的，处五年以下有期徒刑或者拘役；遗弃重要或者大量武器装备的，或者其他严重情节的，处五年以上有期徒刑。

Article 441 . In the event of failure to promptly report loss of weaponry, or other serious circumstances, those involved shall be sentenced to not more than three years in prison or limited incarceration.

Article 442 . In the event of selling or transferring military real estate without permission in violation of relevant provisions, and if the circumstances are serious, the people directly responsible shall be sentenced to not more than three years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than 10 years in prison.

Article 443 . Those who abuse their powers and maltreat their subordinates in vicious circumstances that result in serious injuries or give rise to other serious consequences shall be sentenced to not more than five years in prison or limited incarceration. If deaths result, they shall be sentenced to not less than five years in prison.

Article 444 . Persons directly responsible for the intentional abandonment of injured or sick servicemen on battlefields, if the case is serious, are to be sentenced to five years or fewer in prison.

Article 445 . Those working in medical aid or medical treatment positions during wartime who refuse to save or treat seriously injured or critically sick servicemen when conditions permit them to do so are to be sentenced to five years or fewer in prison or put under limited incarceration. If the case results in serious disability, death, or other grave consequences of the injured or sick servicemen, those responsible are to be sentenced to five to 10 years in prison.

Article 446 . Those cruelly injuring innocent residents or looting innocent residents' money or other property on military action areas are to be sentenced to five years or fewer in prison. If the case is serious, they are to be sentenced to five to 10 years in prison. If the case is extraordinarily serious, they are to be sentenced to 10 years or more in prison, given a life sentence, or sentenced to death.

Article 447 . Those releasing prisoners of war without authorization are to be sentenced to five years or fewer in prison. Those releasing important prisoners of war or many prisoners of war, or those involved in other serious cases, are to be sentenced to five years or more in prison.

Article 448 . Those mistreating prisoners of war, if the case is serious, are to be sentenced to three years or fewer in prison.

第四百四十一条

【遗失武器装备罪】遗失武器装备，不及时报告或者有其他严重情节的，处三年以下有期徒刑或者拘役。

第四百四十二条 【擅自出卖、转让军队房地产罪】违反规定，擅自出卖、转让军队房地产，情节严重的，对直接责任人员，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上十年以下有期徒刑。

第四百四十三条 【虐待部属罪】滥用职权，虐待部属，情节恶劣，致人重伤或者造成其他严重后果的，处五年以下有期徒刑或者拘役；致人死亡的，处五年以上有期徒刑。

第四百四十四条 【遗弃伤病军人罪】在战场上故意遗弃伤病军人，情节恶劣的，对直接责任人员，处五年以下有期徒刑。

第四百四十五条 【战时拒不救治伤病军人罪】战时在救护治疗职位上，有条件救治而拒不救治危重伤病军人的，处五年以下有期徒刑或者拘役；造成伤病军人重残、死亡或者有其他严重情节的，处五年以上十年以下有期徒刑。

第四百四十六条 【战时残害居民、掠夺居民财物罪】战时在军事行动地区，残害无辜居民或者掠夺无辜居民财物的，处五年以下有期徒刑；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百四十七条 【私放俘虏罪】私放俘虏的，处五年以下有期徒刑；私放重要俘虏、私放俘虏多人或者有其他严重情节的，处五年以上有期徒刑。

第四百四十八条 【虐待俘虏罪】虐待俘虏，情节恶劣的，处三年以下有期徒刑。

Article 449 . During wartime, convicted servicemen who are sentenced to three years or fewer in prison, who pose no practical dangers, and whose sentence is suspended, are allowed to redeem themselves by good service. If they prove to have done meritorious service, their original sentence may be rescinded and they may not be considered to have committed a crime.

Article 450 . This Chapter shall apply to military officers, civilian cadres, and soldiers in active service and cadets with a military status of the Chinese People's Liberation Army, police officers, civilian cadres, and soldiers in active service and cadets with a military status of the Chinese People's Armed Police, as well as civilian staff and reservists and other persons performing military tasks.

Article 451 . Wartime as mentioned in this chapter refers to the time after the state has declared the state of war, troops have been assigned with combat missions, or when the country is suddenly attacked by enemy.

The time during which troops carry out martial law missions or handle emergency violence is considered wartime.

Supplementary Articles

Article 452 . This law will go into effect as of October 1, 1997.

Regulations, supplementary provisions, and decisions made by the National People's Congress Standing Committee that are listed in appendix one of this law have either been included in this law or are no longer applicable; therefore they are to be nullified as of the date when this law goes into effect.

Supplementary provisions and decisions made by the National People's Congress Standing Committee that are listed in appendix two of this law are to be retained. Among them, provisions governing administrative punishment and measures continue to be effective; provisions governing criminal liability have been included in this law and therefore provisions in this law will apply as of the date when this law goes into effect.

Appendix I

The following regulations, supplementary provisions, and decisions, made by National People's Congress Standing Committee, have either been included in this law or are no longer applicable; therefore they are to be nullified as of the date when this law goes into effect

1. [PRC Provisional Regulations on Punishing Military Personnel for Violation of Duty](#) ;

第四百四十九条

【战时缓刑】在战时，对被判处三年以下有期徒刑没有现实危险宣告缓刑的犯罪军人，允许其戴罪立功，确有立功表现时，可以撤销原判刑罚，不以犯罪论处。

第四百五十条 【本章适用的主体范围】本章适用于中国人民解放军的现役军官、文职干部、士兵及具有军籍的学员和中国人民武装警察部队的现役警官、文职干部、士兵及具有军籍的学员以及文职人员、执行军事任务的预备役人员和其他人员。

第四百五十一条 【战时的概念】本章所称战时，是指国家宣布进入战争状态、部队受领作战任务或者遭敌突然袭击时。

部队执行戒严任务或者处置突发性暴力事件时，以战时论。

附则

第四百五十二条 【施行日期】本法自 1997 年 10 月 1 日起施行。

列于本法附件一的全国人民代表大会常务委员会制定的条例、补充规定和决定，已纳入本法或者已不适用，自本法施行之日起，予以废止。

列于本法附件二的全国人民代表大会常务委员会制定的补充规定和决定予以保留。其中，有关行政处罚和行政措施的规定继续有效；有关刑事责任的规定已纳入本法，自本法施行之日起，适用本法规定。

附件一

全国人民代表大会常务委员会制定的下列条例、补充规定和决定，已纳入本法或者已不适用，自本法施行之日起，予以废止：

1. [中华人民共和国惩治军人违反职责罪暂行条例](#)

- | | |
|---|--|
| 2. Decision on Severely Punishing Criminals Seriously Undermining the Economy ; | 2. 关于严惩严重破坏经济的罪犯的决定 |
| 3. Decision on Severely Punishing Criminal Elements Seriously Compromising Social Order ; | 3. 关于严惩严重危害社会治安的犯罪分子的决定 |
| 4. Supplementary Provisions on Cracking Down on the Crime of Smuggling ; | 4. 关于惩治走私罪的补充规定 |
| 5. Supplementary Provisions on Cracking Down on the Crime of Corruption or Bribery ; | 5. 关于惩治贪污罪贿赂罪的补充规定 |
| 6. Supplementary Provisions on Cracking Down on the Crime of Letting Out State Secrets ; | 6. 关于惩治泄露国家秘密犯罪的补充规定 |
| 7. Supplementary Provisions on Cracking Down on the Crime of Killing Rare and Endangered Wildlife That Are Selectively Under the State's Protection ; | 7. 关于惩治捕杀国家重点保护的珍贵、濒危野生动物犯罪的补充规定 |
| 8. Decision on Cracking Down on the Crime of Insulting the PRC National Flag or Emblem ; | 8. 关于惩治侮辱中华人民共和国国旗国徽罪的决定 |
| 9. Supplementary Provisions on Cracking Down on the Crime of Robbing Ancient Cultural Ruins or Ancient Tombs ; | 9. 关于惩治盗掘古文化遗址古墓葬犯罪的补充规定 |
| 10. Decision on Punishing Criminal Elements Hijacking Aviation Vehicles ; | 10. 关于惩治劫持航空器犯罪分子的补充规定 |
| 11. Supplementary Provisions on Cracking Down on the Crime of Counterfeiting Registered Trade Marks ; | 11. 关于惩治假冒注册商标犯罪的补充规定 |
| 12. Decision on Cracking Down on the Crime of Producing or Selling Counterfeit or Inferior Commodities ; | 12. 关于惩治生产、销售伪劣商品犯罪的决定 |
| 13. Decision on Cracking Down on the Crime of Infringing on Copyright ; | 13. 关于惩治侵犯著作权的犯罪的决定 |
| 14. Decision on Cracking Down on the Crime of Violating the Company Law ; | 14. 关于惩治违反公司法的犯罪的决定 |
| 15. Decision on Handling Escaped Criminals Under Reform Through Labor or People Under Education Through Labor, or Those Who Commit Crimes Again . | 15. 关于处理逃跑或者重新犯罪的劳改犯和劳教人员的决定 |

Appendix II

附件二

The following supplementary provisions and decisions, made by the National People's Congress Standing Committee, are to be retained. Among them, provisions governing administrative punishment and measures continue to be effective; provisions governing criminal liability have been included in this law and therefore provisions in this law will apply as of the date when this law goes into effect.

全国人民代表大会常务委员会制定的下列补充规定和决定予以保留，其中，有关行政处罚和行政措施的规定继续有效；有关刑事责任的规定已纳入本法，自本法施行之日起，适用本法规定：

- | | |
|---|------------------------------------|
| 1. Decision on Prohibiting Drugs; | 1. 关于禁毒的决定 |
| 2. Decision on Punishing Criminal Elements Committing Smuggling, Producing, | 2. 关于惩治走私、制作、贩卖、传播 |

[Selling, or Disseminating Obscene Materials;](#)

[淫秽物品的犯罪分子的决定](#)

3. [Decision on Punishing Criminal Elements Committing Abduction and Selling or Kidnapping of Women or Children;](#)

3. [关于严惩拐卖、绑架妇女、儿童的犯罪分子的决定](#)

4. [Decision on Strictly Prohibiting Prostitution and Whorehouse Visiting;](#)

4. [关于严禁卖淫嫖娼的决定](#)

5. [Supplementary Provisions on Cracking Down on the Crime of Evading Taxes or Refusing to Pay Taxes;](#)

5. [关于惩治偷税、抗税犯罪的补充规定](#)

6. [Supplementary Provisions on Severely Cracking Down on the Crime of Organizing People to Illegally Cross National Borders \(Frontiers\) or of Illegally Shipping People Across National Borders \(Frontiers\);](#)

6. [关于严惩组织、运送他人偷越国\(边\)境犯罪的补充规定](#)

7. [Decision on Cracking Down on the Crime of Undermining the Financial Order;](#)

7. [关于惩治破坏金融秩序犯罪的决定](#)

8. [Decision on Cracking Down on the Crime of the Fraudulent Issuance of, Forging, or Illegally Selling Invoices Exclusively for Value-Added Taxes.](#)

8. [关于惩治虚开、伪造和非法出售增值税专用发票犯罪的决定](#)

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EXHIBIT 6

中华人民共和国保守国家秘密法实施条例

Implementing Regulations of the Law of the People's Republic of China on Guarding State Secrets

颁布机关: 国务院
Promulgating Institution: State Council

文 号: 国务院令 第646号
Document Number: Order No. 646 of the State Council

颁布时间: 01/17/2014
Promulgating Date: 01/17/2014

实施时间: 03/01/2014
Effective Date: 03/01/2014

效力状态: 有效
Validity Status: Valid

中华人民共和国国务院令

第646号

现公布《中华人民共和国保守国家秘密法实施条例》,自2014年3月1日起施行。

总理李克强
2014年1月17日

中华人民共和国保守国家秘密法实施条例
第一章 总则

Order No. 646 of the State Council of the People's Republic of China

The Implementing Regulations of the Law of the People's Republic of China on Guarding State Secrets is hereby promulgated, and shall come into effect on March 1, 2014.

Premier Li Keqiang

January 17, 2014

Implementing Regulations of the Law of the People's Republic of China on Guarding State Secrets

Chapter 1: General Provisions

第一条 根据《中华人民共和国保守国家秘密法》(以下简称保密法)的规定,制定本条例。

Article 1 These Regulations are formulated in accordance with the Law of the People's Republic of China on Guarding State Secrets (hereinafter referred to as the "Law on Guarding State Secrets").

第二条 国家保密行政管理部门主管全国的保密工作。县级以上地方各级保密行政管理部门在上级保密行政管理部门指导下,主管本行政区域的保密工作。

Article 2 The State administrative department for protection of State secrets shall be in charge of confidentiality work at the national level. Local administrative departments for protection of State secrets at and above the county level shall be in charge of confidentiality work within their respective administrative regions under the guidance of superior administrative departments for protection of State secrets.

第三条 中央国家机关在其职权范围内管理或者指导本系统的保密工作,监督执行保密法律法规,可以

根据实际情况制定或者会同有关部门制定主管业务方面的保密规定。

Article 3 State organs at the central level shall manage or direct the confidentiality work of their respective systems within their respective scope of authority, supervise the compliance with confidentiality laws and regulations, and may formulate, independently or in conjunction with relevant departments, the confidentiality provisions applicable to the business activities for which they are responsible according to actual situations.

第四条 县级以上人民政府应当加强保密基础设施建设和关键保密科技产品的配备。

省级以上保密行政管理部门应当加强关键保密科技产品的研发工作。

保密行政管理部门履行职责所需的经费,应当列入本级人民政府财政预算。机关、单位开展保密工作所需经费应当列入本机关、本单位的年度财政预算或者年度收支计划。

Article 4 The people's governments at and above the county level shall strengthen the construction of confidentiality infrastructures, and equip themselves with more key technological products for confidentiality.

Administrative departments for protection of State secrets at and above the provincial level shall step up the research and development of key technological products for confidentiality.

The funds needed by an administrative department for protection of State secrets to fulfil its duties shall be included in the fiscal budget of the people's government at the same level. The funds needed by an organ or entity to carry out confidentiality work shall be included in its own annual fiscal budget or annual revenue and expenditure plan.

第五条 机关、单位不得将依法应当公开的事项确定为国家秘密,不得将涉及国家秘密的信息公开。

Article 5 Organs and entities shall not determine matters that should be disclosed in accordance with the law as State secrets, and shall not make public information involving State secrets.

第六条 机关、单位实行保密工作责任制。机关、单位负责人对本机关、本单位的保密工作负责,工作人员对本岗位的保密工作负责。

机关、单位应当根据保密工作需要设立保密工作机构或者指定人员专门负责保密工作。

机关、单位及其工作人员履行保密工作责任制情况应当纳入年度考评和考核内容。

Article 6 A confidentiality work accountability system shall be adopted by organs and entities. The person in charge of an organ or entity shall be responsible for the confidentiality work of the organ or entity, while the staff members shall be responsible for the confidentiality work of their respective positions.

Organs and entities shall set up confidentiality work bodies or designate persons to be specifically in charge of confidentiality work according to the needs of confidentiality work.

The execution of the confidentiality work accountability system by an organ or entity and its staff members shall be included in annual assessment and appraisal.

第七条 各级保密行政管理部门应当组织开展经常性的保密宣传教育。机关、单位应当定期对本机关、本单位工作人员进行保密形势、保密法律法规、保密技术防范等方面的教育培训。

第二章 国家秘密的范围和密级

Article 7 Administrative departments for protection of State secrets at all levels shall organize regular publicity and education on confidentiality work. Organs and entities shall provide their own staff members with regular education and training in terms of confidentiality work situations, confidentiality laws and regulations, confidentiality technical precautions, etc.

Chapter 2: Scope and Classification Levels of State Secrets

第八条 国家秘密及其密级的具体范围(以下称保密事项范围)应当明确规定国家秘密具体事项的名称、密级、保密期限、知悉范围。

保密事项范围应当根据情况变化及时调整。制定、修订保密事项范围应当充分论证,听取有关机关、单位和相关领域专家的意见。

Article 8 The specific scope of State secrets and their classification levels (hereinafter referred to as the "Scope of Confidential Matters") shall specify the titles, classification levels, confidentiality periods and the scope of insiders of the specific matters of State secrets.

The Scope of Confidential Matters shall be promptly adjusted according to changes in circumstances. During the determination and revision of the Scope of Confidential Matters, it is imperative to conduct sufficient discussion, and listen to the opinions of relevant organs and entities, as well as experts from related fields.

第九条 机关、单位负责人为本机关、本单位的定密责任人,根据工作需要,可以指定其他人员为定密责任人。

专门负责定密的工作人员应当接受定密培训,熟悉定密职责和保密事项范围,掌握定密程序和方法。

Article 9 The person in charge of an organ or entity shall be responsible for determining secrets of the organ or entity. Other persons of the organ or entity may be designated as persons responsible for determining secrets based on work needs.

The staff members of an organ or entity who are specifically responsible for determining secrets shall receive training on determining secrets, familiarize themselves with the duties of determining secrets and the Scope of Confidential Matters, and master the procedures and methods for determining secrets.

第十条 定密责任人在职责范围内承担有关国家秘密确定、变更和解除工作。具体职责是:

- (一)审核批准本机关、本单位产生的国家秘密的密级、保密期限和知悉范围;
- (二)对本机关、本单位产生的尚在保密期限内的国家秘密进行审核,作出是否变更或者解除的决定;
- (三)对是否属于国家秘密和属于何种密级不明确的事项先行拟定密级,并按照规定的程序报保密行政管理部门确定。

Article 10 A person of an organ or entity who is responsible for determining secrets shall be in charge of the work for determining, changing and declassifying State secrets. His/her specific duties include:

(1) To review and approve the classification levels, confidentiality periods and scope of insiders of the State secrets generated by the organ or entity;

(2) To review the State secrets generated by the organ or entity that are still within their respective confidentiality period, and decide whether to change or declassify such State secrets; and

(3) To preliminarily determine the classification levels of matters that may or may not be State secrets and matters whose classification level is unclear, and submit such preliminarily-determined classification levels to the relevant administrative department for protection of State secrets for final determination according to prescribed procedures.

第十一条 中央国家机关、省级机关以及设区的市、自治州级机关可以根据保密工作需要或者有关机关、单位的申请,在国家保密行政管理部门规定的定密权限、授权范围内作出定密授权。

定密授权应当以书面形式作出。授权机关应当对被授权机关、单位履行定密授权的情况进行监督。

中央国家机关、省级机关作出的授权,报国家保密行政管理部门备案;设区的市、自治州级机关作出的授权,报省、自治区、直辖市保密行政管理部门备案。

Article 11 State organs at the central level, provincial organs and organs at the level of cities with districts and autonomous prefectures may, based on the needs of confidentiality work or according to the applications from relevant organs or entities, grant authorization for determining secrets within the authority for determining secrets and the scope of authorization prescribed by the State administrative department for protection of State secrets.

The authorization for determining secrets shall be granted in writing. The organ that grants the authorization shall supervise the authorized organ or entity in its exercise of the authority for determining secrets.

Authorization granted by State organs at the central level and provincial organs shall be reported to the State administrative department for protection of State secrets for record-filing, while authorization granted by organs at the level of cities with districts and autonomous prefectures shall be reported to the administrative departments for protection of State secrets of the relevant provinces, autonomous regions and municipalities directly under the Central Government for record-filing.

第十二条 机关、单位应当在国家秘密产生的同时,由承办人依据有关保密事项范围拟定密级、保密期限和知悉范围,报定密责任人审核批准,并采取相应保密措施。

Article 12 As soon as a State secret is generated in an organ or entity, the handling officer concerned shall preliminarily determine the classification level, confidentiality period and scope of insiders of the State secret based on the Scope of Confidential Matters, submit the same to the person in charge of determining secrets for review and approval, and take appropriate confidentiality measures.

第十三条 机关、单位对所产生的国家秘密,应当按照保密事项范围的规定确定具体的保密期限;保密事项范围没有规定具体保密期限的,可以根据工作需要,在保密法规定的保密期限内确定;不能确定保密期限的,应当确定解密条件。

国家秘密的保密期限,自标明的制发日起计算;不能标明制发日的,确定该国家秘密的机关、单位应当书面通知知悉范围内的机关、单位和人员,保密期限自通知之日起计算。

Article 13 An organ or entity shall determine the specific confidentiality period for a State secret generated as prescribed by the Scope of Confidential Matters, and may determine the same within the confidentiality period prescribed by the Law on Guarding State Secrets according to work needs in the absence of any specific confidentiality period prescribed by the Scope of Confidential Matters. Where the confidentiality period cannot be determined, the organ or entity shall determine the conditions for declassification.

The confidentiality period of a State secret shall commence from the date indicated for the generation of the State secret. Where the date on which the State secret is generated cannot be explicitly indicated, the organ or entity that determines the State secret shall notify the organs, entities and personnel within the scope of insiders in writing, and the confidentiality period shall commence from the date of such notification.

第十四条 机关、单位应当按照保密法的规定,严格限定国家秘密的知悉范围,对知悉机密级以上国家秘密的人员,应当作出书面记录。

Article 14 An organ or entity shall strictly limit the scope of insiders of State secrets in accordance with the Law on Guarding State Secrets, and record in writing persons with knowledge of State secrets at and above the strictly-confidential level.

第十五条 国家秘密载体以及属于国家秘密的设备、产品的明显部位应当标注国家秘密标志。国家秘密标志应当标注密级和保密期限。国家秘密的密级和保密期限发生变更的,应当及时对原国家秘密标志作出变更。

无法标注国家秘密标志的,确定该国家秘密的机关、单位应当书面通知知悉范围内的机关、单位和人员。

Article 15 Labels of State secrets shall be affixed to eye-catching parts of the carriers of State secrets, and the equipment and products that are State secrets. A label of State secrets shall indicate the classification level and the confidentiality period of a State secret, and shall be promptly modified in the event of changes to the classification level or confidentiality period of the State secret.

Where the label of State secrets is unable to be affixed, the organ or entity that determines the relevant State secret shall notify the organs, entities and personnel within the scope of insiders of the State secret in writing.

第十六条 机关、单位对所产生的国家秘密,认为符合保密法有关解密或者延长保密期限规定的,应当及时解密或者延长保密期限。

机关、单位对不属于本机关、本单位产生的国家秘密,认为符合保密法有关解密或者延长保密期限规定的,可以向原定密机关、单位或者其上级机关、单位提出建议。

已经依法移交各级国家档案馆的属于国家秘密的档案,由原定密机关、单位按照国家有关规定进行解密审核。

Article 16 An organ or entity shall promptly declassify or extend the confidentiality period of a State secret generated if it is of the opinion that the conditions for declassification or extension of the confidentiality period as prescribed by the Law on Guarding State Secrets have been satisfied.

Where an organ or entity is of the opinion that a State secret not generated thereby satisfies the conditions for declassification or extension of the confidentiality period as prescribed by the Law on Guarding State Secrets, it may put forward relevant suggestions to the original secret-determining organ or entity or the superior organ or entity thereof.

The original secret-determining organs or entities shall, in accordance with relevant provisions of the State, conduct declassification review of the files of State secrets that have been transferred to national archives at all levels in accordance with the law.

第十七条 机关、单位被撤销或者合并的,该机关、单位所确定国家秘密的变更和解除,由承担其职能的机关、单位负责,也可以由其上级机关、单位或者保密行政管理部门指定的机关、单位负责。

Article 17 Where an organ or entity is closed down or merged with another organ or entity, the change and declassification of the State secrets determined by the cancelled or merged organ or entity shall be undertaken by the organ or entity succeeding to its duties. Alternatively, such change and declassification may be undertaken by the organ or entity designated by the superior organ or entity of the cancelled or merged organ or entity, or designated by the relevant administrative department for protection of State secrets.

第十八条 机关、单位发现本机关、本单位国家秘密的确定、变更和解除不当的,应当及时纠正;上级机关、单位发现下级机关、单位国家秘密的确定、变更和解除不当的,应当及时通知其纠正,也可以直接纠正。

Article 18 An organ or entity shall promptly make correction if it finds that it has inappropriately determined, changed or declassified State secrets. A superior organ or entity shall promptly notify a subordinate organ or entity to make correction, or may directly make correction itself, if it finds that the subordinate organ or entity has inappropriately determined, changed or declassified State secrets.

第十九条 机关、单位对符合保密法的规定,但保密事项范围没有规定的不明确事项,应当先行拟定密级、保密期限和知悉范围,采取相应的保密措施,并自拟定之日起10日内报有关部门确定。拟定为绝密级

的事项和中央国家机关拟定的机密级、秘密级的事项,报国家保密行政管理部门确定;其他机关、单位拟定的机密级、秘密级的事项,报省、自治区、直辖市保密行政管理部门确定。

保密行政管理部门接到报告后,应当在10日内作出决定。省、自治区、直辖市保密行政管理部门还应当将所作决定及时报国家保密行政管理部门备案。

Article 19 Where an unclear matter meets the requirements of the Law on Guarding State Secrets but is not prescribed within the Scope of Confidential Matters, an organ or entity shall preliminarily determine the classification level, confidentiality period and scope of insiders of the unclear matter, take appropriate confidentiality measures, and report the unclear matter to relevant departments for final determination within ten days of the preliminary determination. Matters preliminarily determined as top secrets, as well as matters preliminarily determined as strictly confidential or confidential by State organs at the central level shall be submitted to the State administrative department for protection of State secrets for final determination, while matters preliminarily determined as strictly confidential or confidential by other organs and entities shall be reported to the administrative departments for protection of State secrets of all provinces, autonomous regions and municipalities directly under the Central Government for final determination.

An administrative department for protection of State secrets shall make a decision within ten days upon receipt of such a report. Administrative departments for protection of State secrets of all provinces, autonomous regions and municipalities directly under the Central Government shall also submit the decisions made thereby to the State administrative department for protection of State secrets for record-filing in a timely manner.

第二十条 机关、单位对已定密事项是否属于国家秘密或者属于何种密级有不同意见的,可以向原定密机关、单位提出异议,由原定密机关、单位作出决定。

机关、单位对原定密机关、单位未予处理或者对作出的决定仍有异议的,按照下列规定办理:

(一)确定为绝密级的事项和中央国家机关确定的机密级、秘密级的事项,报国家保密行政管理部门确定。

(二)其他机关、单位确定的机密级、秘密级的事项,报省、自治区、直辖市保密行政管理部门确定;对省、自治区、直辖市保密行政管理部门作出的决定有异议的,可以报国家保密行政管理部门确定。

在原定密机关、单位或者保密行政管理部门作出决定前,对有关事项应当按照主张密级中的最高密级采取相应的保密措施。

第三章 保密制度

Article 20 An organ or entity that holds different opinions on whether a matter already determined as a secret is indeed a State secret or on the classification level thereof may raise objections to the original secret-determining organ or entity for the latter to make relevant decisions.

Where the organ or entity still has objections to the decision made by the original secret-determining organ or entity or because the original secret-determining organ or entity fails to address its previous objections, the following provisions shall apply:

(1) The matter shall be submitted to the State administrative department for protection of State secrets for determination, if it is determined as a top secret, or as strictly confidential or confidential by State organs at the central level; and

(2) The matter shall be submitted to the administrative department for protection of State secrets of the relevant province, autonomous region or municipality directly under the Central Government for determination, if it is determined as strictly confidential or confidential by other organs or entities; and where the first-mentioned organ or entity has objections to the decision made by the said administrative department, the matter may be submitted to the State administrative department for protection of State secrets for determination.

Before the original secret-determining organ or entity, or the relevant administrative department for protection of State secrets makes a decision, corresponding confidentiality measures shall be taken against the matter according to the highest classification level of the classification levels contended.

Chapter 3: Confidentiality Systems

第二十一条 国家秘密载体管理应当遵守下列规定:

(一)制作国家秘密载体,应当由机关、单位或者经保密行政管理部门保密审查合格的单位承担,制作场所应当符合保密要求。

(二)收发国家秘密载体,应当履行清点、编号、登记、签收手续。

(三)传递国家秘密载体,应当通过机要交通、机要通信或者其他符合保密要求的方式进行。

(四)复制国家秘密载体或者摘录、引用、汇编属于国家秘密的内容,应当按照规定报批,不得擅自改变原件的密级、保密期限和知悉范围,复制件应当加盖复制机关、单位戳记,并视同原件进行管理。

(五)保存国家秘密载体的场所、设施、设备,应当符合国家保密要求。

(六)维修国家秘密载体,应当由本机关、本单位专门技术人员负责。确需外单位人员维修的,应当由本机关、本单位的人员现场监督;确需在本机关、本单位以外维修的,应当符合国家保密规定。

(七)携带国家秘密载体外出,应当符合国家保密规定,并采取可靠的保密措施;携带国家秘密载体出境的,应当按照国家保密规定办理批准和携带手续。

Article 21 Carriers of State secrets shall be managed pursuant to the following provisions:

(1) Carriers of State secrets shall be prepared by organs, entities or entities that have passed the confidentiality review by administrative departments for protection of State secrets, and the premises for such preparation shall be in compliance with confidentiality requirements;

(2) The procedures for sorting, numbering, registration and receipt acknowledgement shall be performed when carries of State secrets are received or sent;

(3) Carries of State secrets shall be delivered via classified communications, classified correspondence or other means in compliance with confidentiality requirements;

(4) Reproduction of carriers of State secrets, or the extraction, quotation and compilation of contents classified as State secrets shall be subject to approval as required, and the classification levels, confidentiality periods and scope of insiders of the original State secrets may not be changed without authorization. In addition, the duplicated copies of the State secrets shall be affixed with the stamps of the organs or entities making the reproduction, and be managed as the originals thereof;

(5) The premises, facilities and equipment for keeping carriers of State secrets shall be in compliance with the confidentiality requirements of the State;

(6) Carriers of State secrets shall be repaired by the specialized technicians of the organs or entities to which such carriers belong; where such carriers genuinely need to be repaired by personnel from other entities, personnel of the organs or entities to which such carriers belong shall conduct on-site supervision; and where such carriers genuinely need to be repaired outside the organs or entities to which they belong, the confidentiality provisions of the State shall be complied with; and

(7) Where carriers of State secrets are to be taken out of the organs or entities to which they belong, the confidentiality provisions of the State shall be complied with and reliable confidentiality measures shall be taken; and, where carriers of State secrets are to be taken abroad, procedures for approval and carriage shall be gone through in accordance with the confidentiality provisions of the State.

第二十二条 销毁国家秘密载体应当符合国家保密规定和标准,确保销毁的国家秘密信息无法还原。

销毁国家秘密载体应当履行清点、登记、审批手续,并送交保密行政管理部门设立的销毁工作机构或者保密行政管理部门指定的单位销毁。机关、单位确因工作需要,自行销毁少量国家秘密载体的,应当使

用符合国家保密标准的销毁设备和方法。

Article 22 Carriers of State secrets shall be destroyed in accordance with the confidentiality provisions and standards of the State, so as to ensure that the State secrets destroyed are non-recoverable.

Sorting, registration, and examination and approval procedures shall be gone through for the destruction of carriers of State secrets. Carriers of State secrets shall be destroyed by the destruction agencies established by administrative departments for protection of State secrets or entities designated by administrative departments for protection of State secrets. Where an organ or entity destroys a small number of carriers of State secrets on its own due to work needs, it shall use destruction equipment and methods in compliance with the confidentiality standards of the State.

第二十三条 涉密信息系统按照涉密程度分为绝密级、机密级、秘密级。机关、单位应当根据涉密信息系统存储、处理信息的最高密级确定系统的密级,按照分级保护要求采取相应的安全保密防护措施。

Article 23 Secret-involved information systems shall be classified at the top-secret level, the strictly-confidential level and the confidential level based on the classification levels of the State secrets contained therein. Organs and entities shall determine the classification levels of secret-involved information systems according to the highest classification level of the information stored or processed by the said systems, and adopt relevant security and confidentiality protection measures according to the requirements on graded protection.

第二十四条 涉密信息系统应当由国家保密行政管理部门设立或者授权的保密测评机构进行检测评估,并经设区的市、自治州级以上保密行政管理部门审查合格,方可投入使用。

公安、国家安全机关的涉密信息系统投入使用的管理办法,由国家保密行政管理部门会同国务院公安、国家安全部门另行规定。

Article 24 A secret-involved information system shall not be put into use until it has been tested and assessed by the relevant confidentiality testing and assessment agency established or authorized by the State administrative department for protection of State secrets, and has passed the examination by the relevant administrative department for protection of State secrets at or above the level of cities with districts or autonomous prefectures.

The administrative measures for putting into use secret-involved information systems of public security organs and State security organs shall be separately formulated by the State administrative department for protection of State secrets in conjunction with the public security department and the State security department of the State Council.

第二十五条 机关、单位应当加强涉密信息系统的运行使用管理,指定专门机构或者人员负责运行维护、安全保密管理和安全审计,定期开展安全保密检查和风险评估。

涉密信息系统的密级、主要业务应用、使用范围和使用环境等发生变化或者涉密信息系统不再使用的,应当按照国家保密规定及时向保密行政管理部门报告,并采取相应措施。

Article 25 Organs and entities shall strengthen the management of the operation and use of secret-involved information systems, designate specialized departments or personnel to be responsible for their operational maintenance, security and confidentiality management and security audit, and conduct regular security and confidentiality inspection and risk assessment.

In the event of changes to the classification level, main business applications, scope of use or operating environment of a secret-involved information system, or in the event that a secret-involved information

system is no longer in use, the relevant organ or entity shall promptly report the situations to the competent administrative department for protection of State secrets and take corresponding measures in accordance with the confidentiality provisions of the State.

第二十六条 机关、单位采购涉及国家秘密的工程、货物和服务的,应当根据国家保密规定确定密级,并符合国家保密规定和标准。机关、单位应当对提供工程、货物和服务的单位提出保密管理要求,并与其签订保密协议。

政府采购监督管理部门、保密行政管理部门应当依法加强对涉及国家秘密的工程、货物和服务采购的监督管理。

Article 26 Where an organ or entity is to procure projects, goods and services involving State secrets, the organ or entity shall determine the classification levels of such projects, goods and services in accordance with the confidentiality provisions of the State, and comply with the confidentiality provisions and standards of the State. The organ or entity shall raise confidentiality management requirements on the entities providing such projects, goods and services, and enter into confidentiality agreements with the same.

Departments in charge of the supervision and administration of government procurement and administrative departments for protection of State secrets shall strengthen the supervision and administration over the procurement of projects, goods and services involving State secrets in accordance with the law.

第二十七条 举办会议或者其他活动涉及国家秘密的,主办单位应当采取下列保密措施:

- (一)根据会议、活动的内容确定密级,制定保密方案,限定参加人员范围;
- (二)使用符合国家保密规定和标准的场所、设施、设备;
- (三)按照国家保密规定管理国家秘密载体;
- (四)对参加人员提出具体保密要求。

Article 27 The entity that holds a meeting or organizes any other activity that involves State secrets shall take the following confidentiality measures:

- (1) It shall determine the classification level of the meeting or activity according to its contents, work out the confidentiality plan and limit the scope of participants;
- (2) It shall use the premises, equipment and facilities that are in compliance with the confidentiality provisions and standards of the State;
- (3) It shall manage carriers of State secrets in accordance with the confidentiality provisions of the State; and
- (4) It shall impose specific confidentiality requirements on the participants.

第二十八条 企业事业单位从事国家秘密载体制作、复制、维修、销毁,涉密信息系统集成或者武器装备科研生产等涉及国家秘密的业务(以下简称涉密业务),应当由保密行政管理部门或者保密行政管理部门会同有关部门进行保密审查。保密审查不合格的,不得从事涉密业务。

Article 28 To engage in the production, reproduction, maintenance and destruction of carriers of State secrets, the integration of secret-involved information systems, the scientific research and manufacturing of weaponry and other business involving State secrets (hereinafter referred to as the "Secret-involved Business"), enterprises and public institutions shall pass the confidentiality review conducted by administrative departments for protection of State secrets either independently or in conjunction with other departments concerned. No enterprise or public institution may engage in Secret-involved Business unless it has passed the confidentiality review.

第二十九条 从事涉密业务的企业事业单位应当具备下列条件:

- (一)在中华人民共和国境内依法成立3年以上的法人,无违法犯罪记录;
- (二)从事涉密业务的人员具有中华人民共和国国籍;
- (三)保密制度完善,有专门的机构或者人员负责保密工作;
- (四)用于涉密业务的场所、设施、设备符合国家保密规定和标准;
- (五)具有从事涉密业务的专业能力;
- (六)法律、行政法规和国家保密行政管理部门规定的其他条件。

Article 29 To engage in Secret-involved Business, an enterprise or public institution shall satisfy the following conditions:

- (1) It is a legal person without any illegal or criminal record that is duly established within the territory of the People's Republic of China three or more years ago;
- (2) Its personnel engaging in Secret-involved Business are persons with the nationality of the People's Republic of China;
- (3) It has a robust confidentiality system, and specialized departments or persons responsible for confidentiality work;
- (4) The premises, facilities and equipment used for Secret-involved Business are in compliance with the confidentiality provisions and standards of the State;
- (5) It has the professional capability for engaging in Secret-involved Business; and
- (6) It satisfies other conditions prescribed by laws, administrative regulations and the State administrative department for protection of State secrets.

第三十条 涉密人员的分类管理、任(聘)用审查、脱密期管理、权益保障等具体办法,由国家保密行政管理部门会同国务院有关主管部门制定。

第四章 监督管理

Article 30 Specific measures for the classified management, appointment (recruitment) review, management during the secrecy release period, protection of rights and interests, etc. relating to secret-involved personnel shall be formulated by the State administrative department for protection of State secrets in conjunction with relevant competent departments of the State Council.

Chapter 4: Supervision and Administration

第三十一条 机关、单位应当向同级保密行政管理部门报送本机关、本单位年度保密工作情况。下级保密行政管理部门应当向上级保密行政管理部门报送本行政区域年度保密工作情况。

Article 31 An organ or entity shall report its annual confidentiality work situations to the administrative department for protection of State secrets at the same level. An inferior administrative department for protection of State secrets shall submit the situations of the annual confidentiality work within its administrative jurisdictions to the relevant superior administrative department for protection of State secrets.

第三十二条 保密行政管理部门依法对机关、单位执行保密法律法规的下列情况进行检查:

- (一)保密工作责任制落实情况;
- (二)保密制度建设情况;
- (三)保密宣传教育培训情况;
- (四)涉密人员管理情况;
- (五)国家秘密确定、变更和解除情况;
- (六)国家秘密载体管理情况;
- (七)信息系统和信息设备保密管理情况;

- (八)互联网使用保密管理情况;
- (九)保密技术防护设施设备配备使用情况;
- (十)涉密场所及保密要害部门、部位管理情况;
- (十一)涉密会议、活动管理情况;
- (十二)信息公开保密审查情况。

Article 32 An administrative department for protection of State secrets shall inspect the compliance with confidentiality laws and regulations by an organ or entity pursuant to the law, covering the following aspects:

- (1) Implementation of the confidentiality work accountability system;
- (2) Establishment of confidentiality systems;
- (3) Confidentiality publicity, education and training;
- (4) Management of secret-involved personnel;
- (5) Determination, change and declassification of State secrets;
- (6) Management of carriers of State secrets;
- (7) Confidentiality management of information systems and information equipment;
- (8) Confidentiality management of the use of the Internet;
- (9) Availability and use of the technological protection facilities and equipment for confidentiality;
- (10) Management of secret-involved premises and key confidentiality departments or positions;
- (11) Management of secret-involved meetings and activities; and
- (12) Confidentiality review of information disclosure.

第三十三条 保密行政管理部门在保密检查过程中,发现有泄密隐患的,可以查阅有关材料、询问人员、记录情况;对有关设施、设备、文件资料等可以依法先行登记保存,必要时进行保密技术检测。有关机关、单位及其工作人员对保密检查应当予以配合。

保密行政管理部门实施检查后,应当出具检查意见,对需要整改的,应当明确整改内容和期限。

Article 33 Where an administrative department for protection of State secrets finds hazards for the divulgement of secrets during the confidentiality inspection of an organ or entity, it may inspect relevant materials, question relevant personnel and record relevant situations, register and keep the facilities, equipment, documents, materials, etc. concerned in advance in accordance with the law, and conduct confidentiality technological testing where necessary. The organ or entity and its staff members shall cooperate with the confidentiality inspection.

The administrative department for protection of State secrets shall issue inspection opinions after the inspection, and specify the contents for, and the period of, rectification if rectification is necessary.

第三十四条 机关、单位发现国家秘密已经泄露或者可能泄露的,应当立即采取补救措施,并在24小时内向同级保密行政管理部门和上级主管部门报告。

地方各级保密行政管理部门接到泄密报告的,应当在24小时内逐级报至国家保密行政管理部门。

Article 34 Where an organ or entity finds that a State secret has been or is likely to be divulged, it shall immediately take remedial measures and report the case to the administrative department for protection of State secrets at the same level and the competent department at a higher level within 24 hours.

Upon receipt of a report on the divulgement of a State secret, a local administrative department for

protection of State secrets shall report the case to the State administrative department for protection of State secrets level by level within 24 hours.

第三十五条 保密行政管理部门对公民举报、机关和单位报告、保密检查发现、有关部门移送的涉嫌泄露国家秘密的线索和案件,应当依法及时调查或者组织、督促有关机关、单位调查处理。调查工作结束后,认为有违反保密法律法规的事实,需要追究责任的,保密行政管理部门可以向有关机关、单位提出处理建议。有关机关、单位应当及时将处理结果书面告知同级保密行政管理部门。

Article 35 As regards the clues and cases of suspected divulgement of State secrets as reported by citizens, organs or entities, discovered during confidentiality inspection or transferred by relevant departments, administrative departments for protection of State secrets shall promptly conduct investigation in accordance with the law, or organize or urge relevant organs or entities to conduct investigation and handling. Upon completion of investigation, where the administrative departments for protection of State secrets are of the opinion that there are facts in violation of confidentiality laws and regulations, and that the liabilities for divulgement shall be investigated for, they may put forward handling suggestions to the organs or entities concerned, and the latter shall promptly inform the administrative departments for protection of State secrets at the same level of the handling results in writing.

第三十六条 保密行政管理部门收缴非法获取、持有的国家秘密载体,应当进行登记并出具清单,查清密级、数量、来源、扩散范围等,并采取相应的保密措施。

保密行政管理部门可以提请公安、工商行政管理等有关部门协助收缴非法获取、持有的国家秘密载体,有关部门应当予以配合。

Article 36 An administrative department for protection of State secrets shall register and issue a list of the confiscated carriers of State secrets that are illegally acquired or held. It shall ascertain the classification levels, quantity, sources and dissemination scope of such confiscated carriers of State secrets, and take corresponding confidentiality measures.

Administrative departments for protection of State secrets may request public security organs, administrations for industry and commerce and other relevant departments to provide assistance in confiscating carriers of State secrets that are illegally acquired or held, in which case the relevant departments shall provide cooperation.

第三十七条 国家保密行政管理部门或者省、自治区、直辖市保密行政管理部门应当依据保密法律法规和保密事项范围,对办理涉嫌泄露国家秘密案件的机关提出鉴定的事项是否属于国家秘密、属于何种密级作出鉴定。

保密行政管理部门受理鉴定申请后,应当自受理之日起30日内出具鉴定结论;不能按期出具鉴定结论的,经保密行政管理部门负责人批准,可以延长30日。

Article 37 The State administrative department for protection of State secrets or the administrative departments for protection of State secrets of all provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with confidentiality laws and regulations and according to the Scope of Confidential Matters, determine whether the matters submitted for appraisal by organs handling cases of suspected divulgement of State secrets are State secrets or not, as well as their classification levels.

An administrative department for protection of State secrets shall issue appraisal conclusions within 30 days upon acceptance of an appraisal application. Where appraisal conclusions are unable to be issued as scheduled, the time period may be extended by 30 days upon approval by the person in charge of the said administrative department.

第三十八条 保密行政管理部门及其工作人员应当按照法定的职权和程序开展保密审查、保密检查和泄露国家秘密案件查处工作,做到科学、公正、严格、高效,不得利用职权谋取利益。

第五章 法律责任

Article 38 An administrative department for protection of State secrets and its staff members shall conduct confidentiality review and confidentiality inspection, and investigate and handle cases of divulgement of State secrets in a scientific, impartial, rigorous and efficient manner according to statutory authority and procedures, and shall not seek for benefits by taking advantage of their authority.

Chapter 5: Legal Liabilities

第三十九条 机关、单位发生泄露国家秘密案件不按照规定报告或者未采取补救措施的,对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 39 Where an organ or entity fails to report, or take remedial measures against, a case of divulgement of State secrets as required, the person directly in charge and other personnel subject to direct liabilities shall be given disciplinary sanctions pursuant to the law.

第四十条 在保密检查或者泄露国家秘密案件查处中,有关机关、单位及其工作人员拒不配合,弄虚作假,隐匿、销毁证据,或以其他方式逃避、妨碍保密检查或者泄露国家秘密案件查处的,对直接负责的主管人员和其他直接责任人员依法给予处分。

企业事业单位及其工作人员协助机关、单位逃避、妨碍保密检查或者泄露国家秘密案件查处的,由有关主管部门依法予以处罚。

Article 40 Where, during confidentiality inspection or the investigation of a case of divulgement of State secrets, the relevant organ or entity and its staff members refuse to provide cooperation, practice fraud, conceal or destroy evidence, or otherwise avoid or obstruct such inspection or investigation, the person directly in charge and other personnel subject to direct liabilities shall be given disciplinary sanctions pursuant to the law.

Any enterprise or public institution and its staff members that assist an organ or entity to avoid or obstruct confidentiality inspection or the investigation of a case of divulgement of State secrets shall be punished by relevant competent departments pursuant to the law.

第四十一条 经保密审查合格的企业事业单位违反保密管理规定的,由保密行政管理部门责令限期整改,逾期不改或者整改后仍不符合要求的,暂停涉密业务;情节严重的,停止涉密业务。

Article 41 Where an enterprise or public institution that has passed the confidentiality review violates relevant provisions on confidentiality management, the competent administrative department for protection of State secrets shall order the same to make correction within the prescribed time limit. The said enterprise or public institution shall be suspended from Secret-involved Business if it fails to make correction by the prescribed deadline or still fails to meet relevant requirements after the correction, and its Secret-involved Business shall be ceased under grave circumstances.

第四十二条 涉密信息系统未按照规定进行检测评估和审查而投入使用的,由保密行政管理部门责令改正,并建议有关机关、单位对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 42 Where a secret-involved information system is put into use without testing, assessment and examination as required, the competent administrative department for protection of State secrets shall order the relevant organ or entity to make correction, and suggest the same to take disciplinary actions against the person directly in charge and other personnel subject to direct liabilities in accordance with the law.

第四十三条 机关、单位委托未经保密审查的单位从事涉密业务的,由有关机关、单位对直接负责的

主管人员和其他直接责任人员依法给予处分。

未经保密审查的单位从事涉密业务的,由保密行政管理部门责令停止违法行为;有违法所得的,由工商行政管理部门没收违法所得。

Article 43 Where an organ or entity entrusts an entity that has not passed the confidentiality review to engage in Secret-involved Business, the organ or entity shall take disciplinary actions against the person directly in charge and other personnel subject to direct liabilities in accordance with the law.

An entity that engages in Secret-involved Business without passing the confidentiality review shall be ordered to stop its illegal activities by the competent administrative department for protection of State secrets, and have its illegal gains, if any, confiscated by the relevant administration for industry and commerce.

第四十四条 保密行政管理部门未依法履行职责,或者滥用职权、玩忽职守、徇私舞弊的,对直接负责的主管人员和其他直接责任人员依法给予处分;构成犯罪的,依法追究刑事责任。

第六章 附则

Article 44 Where an administrative department for protection of State secrets fails to perform duties pursuant to the law, or abuses power, neglects duties or practices favouritism for personal gains, the person directly in charge and other personnel subject to direct liabilities shall be given disciplinary sanctions in accordance with the law, and shall be investigated for criminal liabilities pursuant to the law if the act constitutes criminal offenses.

Chapter 6: Supplementary Provisions

第四十五条 本条例自2014年3月1日起施行。1990年4月25日国务院批准、1990年5月25日国家保密局发布的《中华人民共和国保守国家秘密法实施办法》同时废止。

Article 45 These Regulations shall come into effect on March 1, 2014. The Implementing Measures for the Law of the People's Republic of China on Guarding State Secrets approved by the State Council on April 25, 1990 and promulgated by the National Administration for the Protection of State Secrets on May 25, 1990 shall be simultaneously repealed.